



**Martha B. Gudelsky Child Development Center, 8901 and 8907 Colesville Road, Conditional Use No. CU202008**

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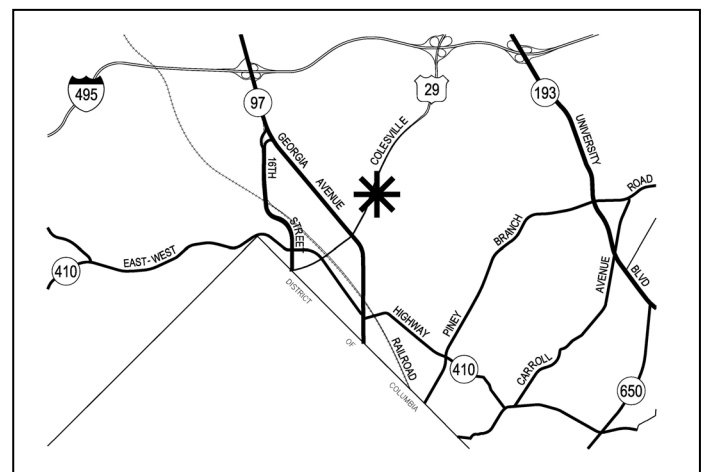
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**Completed 9-04-20**

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**Description**

Request to allow a Day Care Center for up to 180 children to be established in the former Silver Spring Library building  
Location: 8901 and 8907 Colesville Road, Silver Spring  
Zone: R-60  
Master Plan: 2000 *North and West Silver Spring Master Plan*  
Current Property Size: 95,906 square feet (2.2 acres)  
Application Accepted: May 22, 2020  
Applicant: Martha B. Gudelsky Child Development Center, Inc.  
Review Basis: Chapter 59  
Hearing Examiner Public Hearing: October 12, 2020



**Summary**

- Staff recommends APPROVAL with conditions.
- Request to allow a Day Care Center for up to 180 children to be established in the former Silver Spring Library building. The proposal includes an addition to the building.
- The Applicant requests Waivers from Sections 59.6.2.4.B (Vehicle Parking Spaces), 59.6.2.9.C (Parking lot requirements for 10 or more spaces), and 59.6.2.5.K.2 (Setbacks), and the Alternative Method of Compliance from Section 59.6.4.4.D. (excessive illumination). Staff recommends approval of the waivers and alternative compliance with conditions.
- Staff has not received any correspondence regarding the application.
- Preliminary Forest Conservation Plan CU202008 is recommended for approval with conditions in a separate staff report.
- Site Plan is not required for the proposed use and addition.

## **STAFF RECOMMENDATION**

Staff recommends approval of Conditional Use No. CU202008, CentroNia Day Care, for a Group Day Care facility of up to 31,000 gross square feet with up to 180 children and up to 60 staff persons. All site development elements shown on the electronic version of plans, uploaded to ePlans on May 26, 2020, are required and subject to the following conditions:

1. The Group Day Care must be limited to a maximum total GFA of 31,000 square feet, a maximum of 180 children at any one time and a maximum of 60 staff persons at any one time.
2. The hours of operation are limited to Monday through Friday, 7:00 a.m. to 6:00 p.m.
3. The Applicant must schedule staggered drop-off and pick-up of children as follows:
  - a. No more than 72 students must be dropped off between the hour of 7:00 a.m. and 8:00 a.m.;
  - b. No more than 108 must be dropped off after 8:00 a.m.;
  - c. No more than 36 students must be picked up prior to 4:00 p.m.;
  - d. No more than 72 students must be picked up between 4:00 p.m. and 5:00 p.m.; and
  - e. No more than 72 students must be picked up after 5:00 p.m.
4. No vehicles may queue within the public right-of-way on Colesville Road while accessing the Site.
5. The Applicant must participate financially for the approved traffic signal redesign at Colesville Road and Dale Drive, as determined by MCDOT's letter dated August 31, 2020.
6. The Applicant must provide bicycle parking spaces in the following configuration:
  - a. Four short-term spaces will be accommodated by inverted-U racks to be distributed evenly near the main building entrances.
  - b. Five long-term bicycle parking spaces will be provided inside the building at the ground floor in a secured room.
7. Trash pick-up will be limited to the hours of 9:00 a.m. and 3:00 p.m. to limit disruptions to the school operations and student safety as well as minimize noise impacts to the surrounding neighborhood.
8. The Applicant may at its discretion allow limited public or community use of portions of the facility provided it does not conflict with any conditions of approval or operations of the Day Care Center.
9. At the time of Preliminary Plan, the Applicant must dedicate right-of-way necessary to provide 60 feet from the right-of-way centerline along the Site's Colesville Road frontage.
10. The Applicant must install five-foot-wide sidewalks along the Site's Ellsworth Drive frontage. The Applicant will plant a minimum of two (2) three-inch native ornamental or shade trees along this frontage.
11. The Applicant must widen the existing sidewalk, as necessary, along the Site's Colesville Road frontage to achieve minimum width of five feet.

12. The Applicant must comply with the Zoning Ordinance, Section 59.6.2.3.D for Car Share Spaces.
13. The Applicant must obtain approval of a Preliminary Plan of Subdivision per Chapter 50 of the Montgomery County Code after the final decision of the Hearing Examiner on the subject application.
14. At time of Preliminary Plan review, the Applicant must provide a revised landscape, lighting and parking facilities plan for Staff review and approval.

**Department of Parks Conditions**

15. A minimum of 12 assigned parking spaces must be made available for use by the adjacent Ellsworth Urban Park during non-drop-off and pick-up hours and holidays by the Subject Group Day Care facility use. The time periods and usage of the shared parking spaces as a formal agreement shall be agreed by M-NCPPC Montgomery County Parks Department and the Applicant.
16. Remove non-native invasive vegetation that could be a safety or health concern.
17. Impacts to Park Trees caused by Applicant's construction will require a Park Permit approval by the Dept of Parks, which may also include replacement of park trees.

## Site and Neighborhood Description

### Site Description

The Subject Property ("Property" or "Site") is located at 8901 and 8907 Colesville Road in Silver Spring, otherwise known as the former Silver Spring Library site. The Property measures approximately 95,906 square feet (approximately 2.02 acres) and is located along the east side of Colesville Road (US Route 29), approximately 350 feet north of its intersection with Spring Street and extends through the block to Ellsworth Drive. The Site is located in the R-60 Zone, situated just outside of the Silver Spring Central Business District and is comprised of Parcels P959 and P933. The Property is developed with the former Silver Spring Library building which has been vacant for several years, and two surface parking lots located along the Ellsworth Drive frontage. Site Access includes a one-way through-drive entering from Colesville Road and exiting onto Ellsworth Drive, and an entry to the eastern parking lot from Ellsworth Drive. The Site features a sizable lawn along the Colesville Road frontage and existing trees and landscaping around the Site. The Ellsworth Urban Park, which provides a landscaped dog park and playground, abuts the Site to the north. The northern parking lot currently has 30 parking spaces which are reserved exclusively for park patrons through a longstanding, informal agreement with Montgomery County Libraries.



Figure 1: Aerial photo of the Subject Site (outlined in red)

North ↑



*Figure 2: Front view of existing building looking east from Colesville Road*

#### Neighborhood Description

The Applicant-defined Neighborhood (outlined in blue in Figure 3) which is supported by Staff, is generally bounded by Woodside Parkway to the north, Spring Street to the south, Pershing Drive to the east, and Fairview Road to the west. The Neighborhood is composed of a mix of detached houses in the R-60 Zone, a recent townhome community in the RT-12.5 Zone, a series of high-rise apartment buildings and mid-rise commercial buildings, including a portion of the United Therapeutics campus in the EOF-3.0 H-100 Zone. The Silver Spring Central Business District (CBD) is located just south of the defined boundary.





## Project Description

### Proposal

On November 28, 2016, the Montgomery County DGS issued a Request for Proposals for the redevelopment of the former Silver Spring Library site. The County selected the proposal submitted by the Applicant for the adaptive reuse of the existing building, and the construction of an addition, for a day care use (See Attachment 1: Letter of Authorization).

The Applicant is requesting to adaptively re-use the former library building and construct a 12,090 square foot addition for a Group Day Care facility comprised of a total gross floor area of 30,671 square feet. The proposed two-story addition, to be located on the eastern edge of the existing building, has been designed to harmonize with the existing scale, materiality and architectural character of the existing building. The enclosed outdoor play area/outdoor classroom space includes an additional area of approximately 6,752 square feet. Additional minor site improvements are proposed to enhance the open space, provide improved ADA access & on-site circulation, accommodate on-site loading and trash collection, and improve stormwater management.

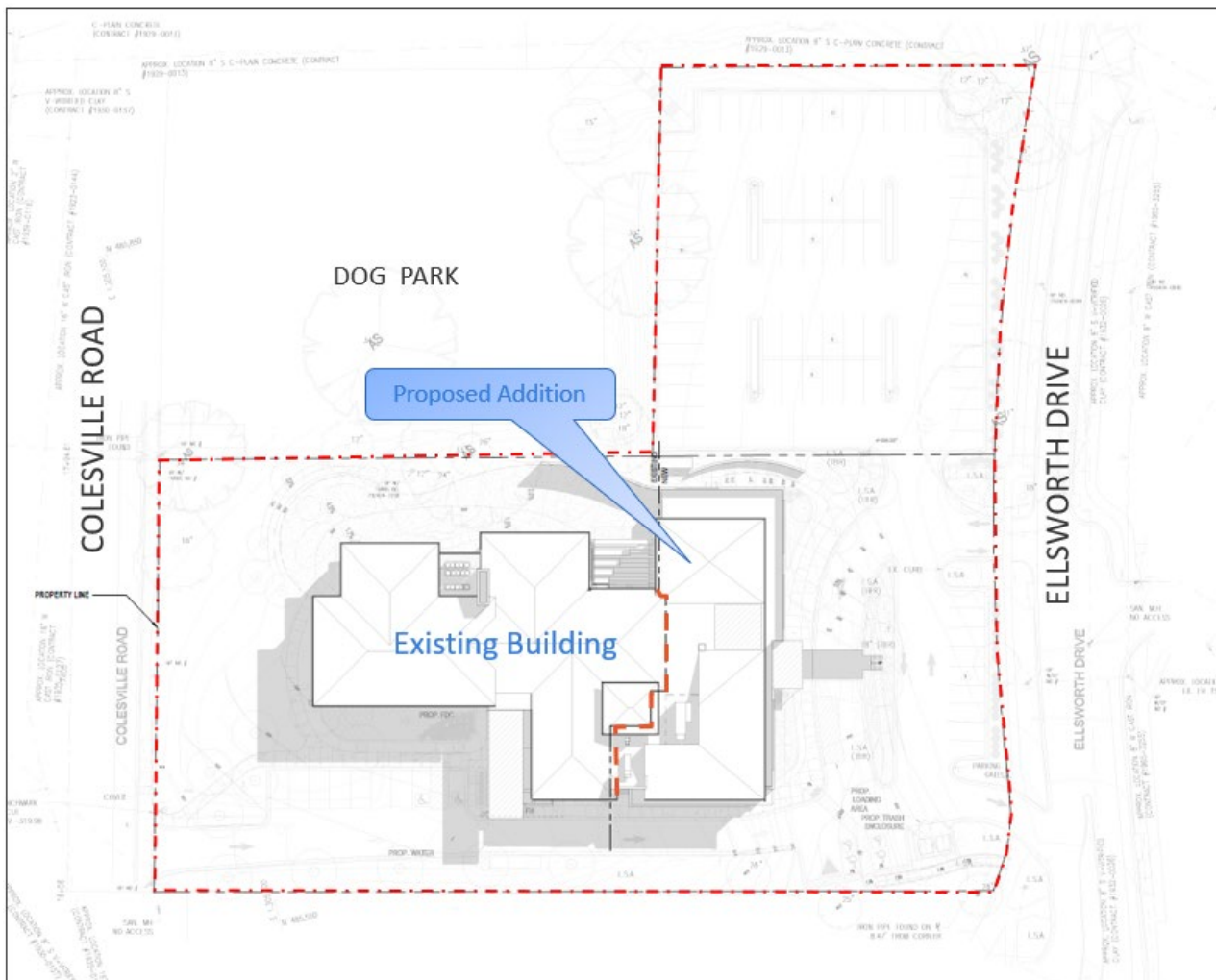


Figure 4: Site Plan

North ↑



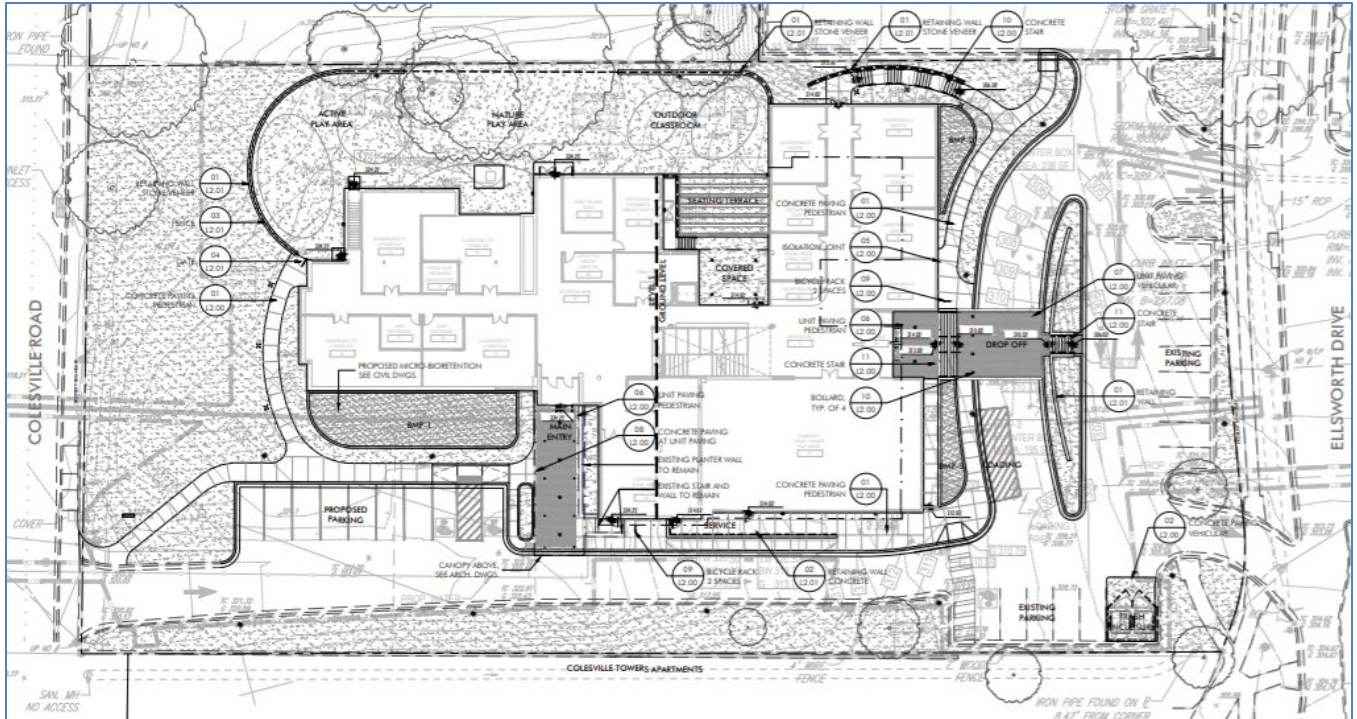


Figure 5: Detailed Site Plan



Figure 6: Perspective View of Building Addition

The proposed Group Day Care facility would serve a maximum enrollment of 180 students and up to 60 staff. The Group Day Care facility enrollment will primarily serve students between the ages of three months and five years as part of its full-day program and will include a before- and after-school program that will serve children between the ages of five and 13 years. There will not be more than the maximum of 180 children onsite at any one time.



The Group Day Care facility will serve a basic and essential need for Montgomery County residents, including residents and workers in the nearby Central Business District.

The outdoor play area is located on the north side of the building and is designed to facilitate active play, nature play, and an outdoor classroom. Due to licensing restrictions, this play area cannot be open to the public, but the Ellsworth Urban Park playground is immediately adjacent to the north.

The proposal includes a large multi-purpose room in the lower level of the addition that may be available for use by the general community during times when that space would not be needed for the Petitioner's Group Day Care facility, subject to certain requirements and limitations.

The proposal includes signage advertising the use along the Site's Colesville Road frontage.

The Applicant proposes to retain existing access to the site from Colesville Road and Ellsworth Drive. Delivery and trash collection vehicles will access the Site from the driveway on Colesville Road and will exit onto Ellsworth Drive. The building will have pedestrian access at the main entrance and classrooms along the through driveway, and at a secondary entrance off the eastern parking lot to be used primarily for vehicular student drop off.

Parents dropping off students will access the site from either Colesville Road or Ellsworth Drive, and will park and escort the children into the building. All vehicles leaving the site will exit via the two driveways on Ellsworth Drive.

#### Parking

The Applicant is proposing to retain and reconfigure portions of the parking lots along Ellsworth Drive and expand parking along the entrance drive. The reconfiguration of parking will result in an overall decrease from the current layout. Although the resulting 89 spaces is slightly less than the standard requirements for the proposed use, the staggered pick-up and drop-off schedule, proximity to transit and other factors will ensure there is adequate parking for patrons and staff. Furthermore, as conditioned, a minimum of 12 assigned parking spaces must be made available for use by the adjacent Ellsworth Urban Park during non-drop-off and pick-up hours and holidays by the Subject Group Day Care facility use. The time periods and usage of the shared parking spaces as a formal agreement shall be agreed by M-NCPPC Montgomery County Parks Department and the Applicant.

Due to site existing site conditions and the constraints associated with retrofitting the Property, the Applicant requests Waivers for the minimum number of Vehicle Parking Spaces, and the Landscape Area, Canopy Cover & Perimeter Planting standards which are otherwise required for parking lots containing 10 or more spaces. Additionally, the Applicant requests a Waiver for the parking setbacks, and requests Alternative Method of Compliance regarding excessive illumination.

#### **Analysis**

##### Master Plan

The Site is located within the area encompassed by the 2000 *North and West Silver Spring Master Plan* (Master Plan). Although the Master Plan does not specifically discuss this Property, there are specific recommendations regarding the review of Conditional Uses (then called "Special Exceptions"), particularly on "highly visible sites" like the Subject Property. For such sites, the visibility of parking areas, signage, and lighting should be minimized and the use of a residential style of architecture is desirable. Traffic generated by the use should be minimized as well. (p. 42-44)

The former library building and the accompanying addition have a one- to two-story residential scale. The addition extends the craftsman/sonian architectural character of the original building, with stone and brick walls, floor-to-ceiling windows, and deep hipped-roof overhangs.

The landscape and lighting design will remain in keeping with the existing character of the site, with new screening for the parking lot, which will be reconfigured internally to accommodate the addition, and not expanded. The application proposes one sign near the main site entrance on Colesville Road, which is the opposite side of the site from the neighborhood to the east.

The Applicant has designed the site circulation to retain a minimal traffic impact on the adjacent single-family neighborhood across Ellsworth Drive.

The Master Plan also recommends “community facilities to meet the human service, recreation, security, educational, and other needs of the diverse community” (p. 4) The proposed Group Day Care facility will provide a much-needed use for Montgomery County residents, including residents and workers in the nearby Central Business District and surrounding neighborhoods.

#### Transportation

##### *Master-Planned Roadways and Bikeways*

Colesville Road, between Franklin Avenue and Spring Street, is owned and maintained by the Maryland State Highway Administration (MDOT SHA). It is classified as a Major Highway with a master-planned right-of-way of 120 feet and a posted speed limit of 35 mph. Dedication along the site’s frontage will be needed to achieve the 60 feet of right-of-way from the centerline as recommended in the Master Plan, however the dedication will be addressed as part of the future Preliminary Plan. No bikeways are recommended in the *2018 Bicycle Master Plan* along Colesville Road.

Ellsworth Drive is a secondary residential roadway that is owned and maintained by the Montgomery County Department of Transportation (MCDOT) with a minimum right-of-way with of 70 feet. No additional right-of-way dedication is required by the Applicant. The *2018 Bicycle Master Plan* recommends a neighborhood greenway bicycle facility on Ellsworth Drive, which is a shared road facility. As such, the existing configuration of the roadway will allow for future implementation of neighborhood greenway without further modification on behalf of the Applicant.

##### *Access and Circulation*

Vehicular access to the Property is provided through three curb cuts which are proposed to remain in the future condition as a result of the Subject Application. One inbound-only access point is provided off Colesville Road, in the southwest corner of the Site, which connects to the internal access drive. Two access points are positioned on Ellsworth Drive. The northernmost access point provides full-movement access, while the southern access point is right-out only. Delivery and trash collection vehicles will access the Site from the driveway on Colesville Road and will exit onto Ellsworth Drive.

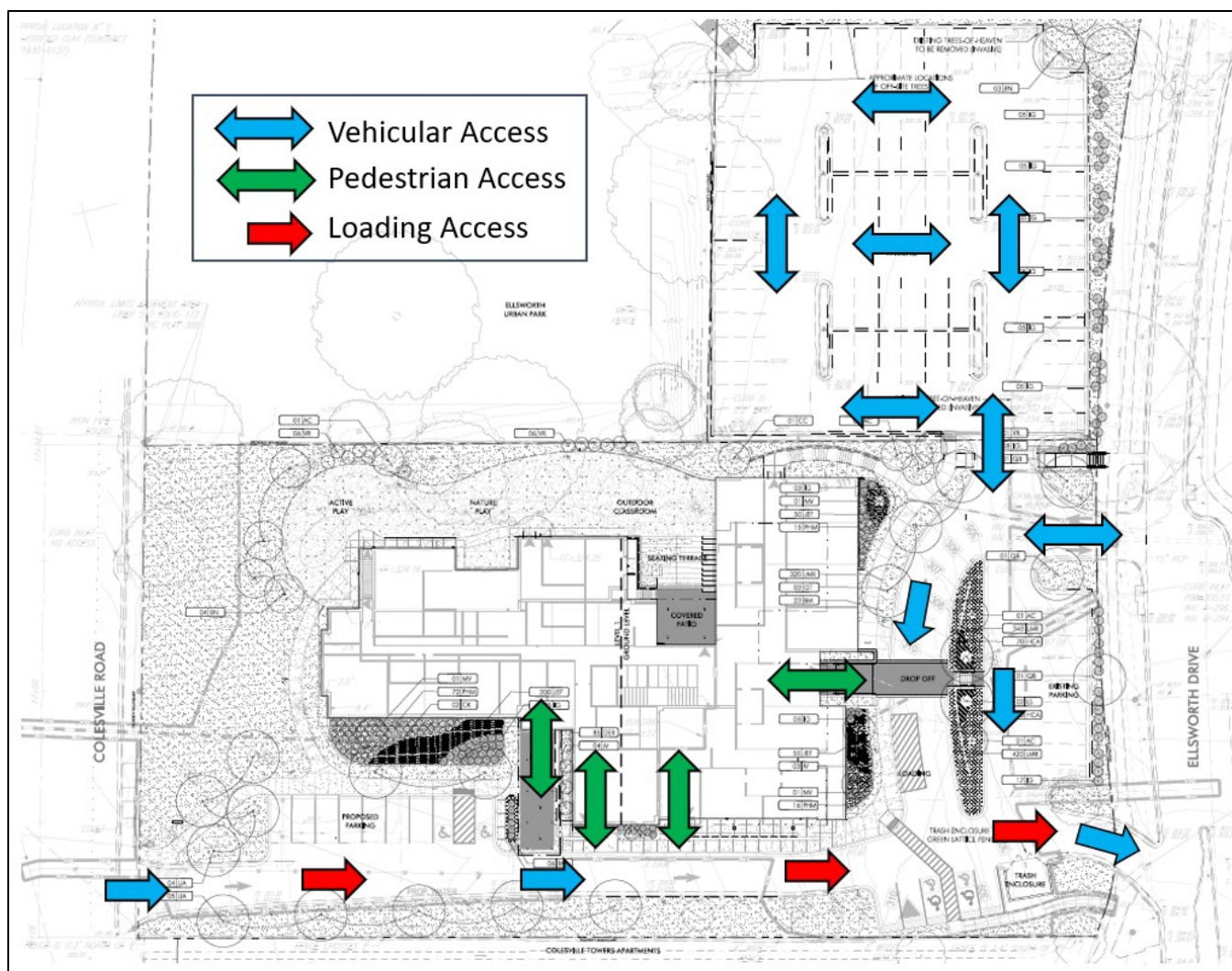


Figure 7: Site Access and Circulation

North ↑

Sidewalks are present on the Site's Colesville Road and Ellsworth Drive frontages, but they are substandard in width. Along Colesville Road the sidewalks are four feet in width and have no buffer from roadway. On Ellsworth Drive four-foot sidewalks are present with a nine-foot grass buffer along the site frontage.

The Applicant will be required to replace the existing sidewalks with five-foot sidewalks while keeping the curb alignment to help comply with the *2000 North and West Silver Spring Master Plan* recommendations. New trees will be planted within the grass buffers along Ellsworth Drive.

To improve pedestrian access, circulation and safety to and through the Site, the Applicant will be required to install new internal sidewalks connecting to Ellsworth Drive at the northern and southern driveways to minimize conflicts between motorists and pedestrians. Some existing sidewalk segments that do not connect to marked crossings or to designated walkways will be removed to reduce conflicts between motorists and pedestrians. A new sidewalk will be installed along the southern boundary of the site behind the southernmost row of parking spaces, connecting the sidewalk on Ellsworth Drive to the Site. A new marked crosswalk across the internal driveway will connect the internal sidewalk to the main building entrance. The marked crossing will increase visibility of pedestrians accessing the building entrance from the southernmost parking spaces on site. The

crosswalk will align with the access aisle between the two new ADA parking spaces along the internal driveway. Internal sidewalks must be at least five-feet wide.

An uncontrolled, marked crosswalk is present at the intersection of the Site driveway on Colesville Road and South Noyes Drive. The Applicant has coordinated with MDOT SHA to discuss future plans for the intersection design. At the time of this report, MDOT SHA has no plans to change the existing crossing and therefore the Applicant will not be required to participate in intersection modifications.

#### *Transit Service*

The Site is located just under a half-mile from the Silver Spring Transit Center, which is served by Metrorail's Red line, the MDOT MTA Purple Line, the MARC Commuter Rail, and over 25 regional and local bus lines.

Two bus stops are located within the vicinity of the site. At the southwest corner of the Site on Colesville Road is a bus stop served by RideOn routes 8, 9, 13, 14, 21, 22, and Metrobus route Z8. A block south of the Site, at the corner of Ellsworth Drive and Spring Street is a bus stop served by RideOn route 12.

#### *Parking*

Motor vehicle parking is provided to the north and east of the existing building. A small number of parking spaces are located along the internal access drive to the southwest of the existing building. An approximately 12,000 square foot, two-story addition will be constructed on the east side of the existing building to accommodate the proposed day care facility. Fifteen parking spaces will be displaced by the proposed building addition, the dumpsters, and internal marked pedestrian pathways on the site. Seven of those displaced parking spaces will be provided with the proposed expansion of the parking lot in the southwest corner of the site. This will result in a net decrease in overall parking capacity for the site by eight spaces. The Zoning Ordinance requires a minimum of 93 parking spaces for the Site based on the size of the proposed use; however, the Applicant is seeking a waiver for four spaces, bringing the total capacity on site to 89 spaces. Given the proximity to the Silver Spring Transit Center, proximity to local bus stops, and the well-connected sidewalk network connecting the Site to the surrounding neighborhoods, staff recommends approval of the requested parking waiver.

When the Site served as the Silver Spring Branch of the Montgomery County Library System, it also provided parking for the adjacent Ellsworth Urban Park. For a period of approximately 30 years, the public was provided free parking through an agreement with Montgomery County Libraries and M-NCPPC. As conditioned, a minimum of 12 assigned parking spaces must be made available for use by the adjacent Ellsworth Urban Park during non-drop-off and pick-up hours and holidays by the Subject Group Day Care facility use. The time periods and usage of the shared parking spaces as a formal agreement shall be agreed by M-NCPPC Montgomery County Parks Department and the Applicant. The assigned spaces will be clearly marked with signage that indicates when these spaces can be used by patrons of the park.

The Applicant will provide a total of nine bicycle parking spaces on site. Four short-term spaces will be accommodated by inverted-U racks distributed evenly between the main building entrances. Five long-term bicycle parking spaces will be located inside the building at the entry level in a secured room.

#### Local Area Transportation Review (LATR)

The Applicant is proposing enrollment of up to 180 children at any one time. As such, the Site is expected to generate more than 50 peak-hour person trips, and a traffic study was completed to comply with the 2017 Local Area Transportation Review (LATR) guidelines. The Site is not expected to generate more than 50 peak-hour pedestrian, bicycle, or transit trips, and is therefore exempt from adequacy tests associated with those modes of transportation.



**Table 1: Project Peak Hour Trip Generation**

<b>Existing</b>	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Library 16,000 SF	16	131	13	110	20	172
<b>Proposed</b>	AM	PM	AM	PM	AM	PM
Day Care Facility 180 Students	140	142	118	119	185	187
<b>Net New Trips</b>	124	11	105	9	165	15

Source: Wells & Associates Transportation Study dated February 24, 2020 and revised August 2020

**Table 2: Peak Hour Trips Generation by Mode**

	<b>Person Trips</b>	<b>Auto-Driver</b>	<b>Pedestrian*</b>	<b>Transit</b>	<b>Bike</b>
<b>AM</b>	165	105	42	23	19
<b>PM</b>	15	9	4	2	2

\*Pedestrian trips are the sum of all transit and bicycle trips generated by the project.

Source: Wells & Associates Transportation Study dated February 24, 2020 and revised August 2020

#### Vehicle Adequacy

The Applicant evaluated a total of eight intersections, including the site driveway, in proximity to the Site. In accordance with the 2016-2020 Subdivision Staging Policy, the intersections were evaluated using the Highway Capacity Manual (HCM) methodology. A map of the intersections studied are shown in Figure 8.



*Figure 8: Intersection Analysis Map*

The Site is in the Silver Spring/Takoma Park Policy Area, which is designated as an Orange Policy Area by the 2016-2020 Subdivision Staging Policy. Traffic congestion in Orange Policy Areas is measured using HCM delay-based level of service standards, which applies to all signalized study intersections. The HCM average vehicle delay standard for the Silver Spring/Takoma Park Policy Area is 80 seconds. The HCM vehicle delay standard is currently exceeded at the intersection of Colesville Road and Dale Drive during the morning peak period. For the morning peak period, the delay for existing conditions is 119 seconds/vehicle, 165 seconds/vehicle when accounting for background conditions, and 167 seconds/vehicle for the total future conditions, including the enrollment for the Project (Table 3). Trips generated by the day care results in an increase of two seconds of delay during the morning peak period at the Colesville Road/Dale Drive intersection.

**Table 3: Intersection Level of Service**

Intersection	Congestion Standard	Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
1. Colesville Road and Dale Drive	80 seconds	<b>119</b>	59	<b>165</b>	68	<b>167</b>	69
2. Colesville Road and Site Access	80 seconds	1	1	2	1	3	1
3. Colesville Road and Spring Street	80 seconds	27	40	30	42	31	44
4. Roader Road/Ellsworth Drive/ Spring Street	80 seconds	2	2	2	2	3	4
5. Ellsworth Drive and Cedar Street/ Spring Street	80 seconds	8	13	8	13	8	13
6. Pershing Drive and Cedar Street	80 seconds	35	57	35	57	33	65
7. Ellsworth Drive and Site Access Driveway	80 seconds	7	7	7	7	7	7
8. Ellsworth Drive and Springvale Road	80 seconds	7	7	7	7	7	7

*Source: Wells & Associates Transportation Study dated February 24, 2020 and revised August 2020*

The Applicant worked closely with MDOT SHA and MCDOT to determine the Site's traffic impact to the intersection of Colesville Road and Dale Drive and identify acceptable mitigation strategies. It was important to identify a mitigation strategy that would significantly decrease average vehicle delay at the intersection but would not undermine with Countywide transportation safety initiatives such as Vision Zero. For example, adding travel lanes or widening roadways, which would thereby increase exposure of pedestrians to conflicts with motorists when crossing at intersections, would be unacceptable.

The Applicant submitted a Design Request for a traffic signal modification for the intersection of Colesville Road and Dale Drive to MDOT SHA to better facilitate the newly generated turning movements at the intersection. As proposed the signal modification would significantly reduce congestion at the intersection during the morning peak hour bringing the estimated average vehicle delay from 167 seconds down to 87 (Table 4). While this does not bring the average vehicle delay back within the congestion standard, it cuts the delay by nearly 50 percent and more than compensates for the additional two seconds of delay incurred by trips generated by Applicant. Recognizing that the intersection exceeds the delay in the existing condition, this strategy was accepted by MDOT SHA, MCDOT, and Planning staff.

**Table 4: Proposed Mitigation Results at Colesville Road and Dale Drive**

Intersection	Congestion Standard	Existing		Background		Total Future		Proposed Mitigation	
		AM	PM	AM	PM	AM	PM	AM	PM
1. Colesville Road and Dale Drive	80 seconds	<b>119</b>	59	<b>165</b>	68	<b>167</b>	69	<b>87</b>	N/A

The Applicant was directed to study the potential impacts of the requested signal modification on queuing lengths at the intersections immediately upstream and downstream of the modified signal at Colesville Road and Dale Drive. The outcome of that analysis showed queuing lengths at these intersections to be acceptable with the proposed signal modifications and was therefore approved by MDOT SHA and MCDOT. Therefore, the Planning Department and MCDOT require the Applicant to participate in the signal redesign, the scope and cost of which will be finalized at the time of Preliminary Plan.

The Planning Department will continue to work closely with the Applicant to ensure compliance with the Subdivision Staging Policy and minimize the Project's impact on the local transportation network. A future finding for Adequate Public Facilities will be required at the time of Preliminary Plan. As an additional measure to reduce the impact on Colesville Road, Ellsworth Drive and the nearby intersections, the Applicant will stagger arrivals and dismissals, regardless of the travel mode parents and guardians use to access the Site. The staggered schedule is shown in Table 5.

**Table 5: Staggered Drop-off Schedule**

<b>Arrival</b>	
Maximum Students	Drop-off Window
72	7:00 a.m. – 8:00 a.m.
108	After 8:00 a.m.
<b>Dismissal</b>	
Maximum Students	Pick-up Window
36*	Before 4:00 p.m.
72	4:00 p.m. – 5:00 p.m.
72	After 5:00 p.m.

*\*Students participating in the aftercare program will be dropped off prior to 4:00 p.m., outside the peak travel time for the site.*

Motorists accessing the Site will be required to park and enter the building when dropping off or picking up their children. While it is expected that a significant number of patrons will access the Site by walking or transit, staggering the drop-off and pick-up times will further reduce the need for excess parking spaces and will eliminate queuing within and off the site. The Applicant will clearly communicate and enforce the designated pick-up and drop-off times for each student per Table 5.

#### Environment

The Planning Board is concurrently reviewing the Preliminary Forest Conservation Plan, associated Forest Conservation Variance and application of the environmental guidelines under a separate report.

#### *Noise*

The Applicant has proposed that the outdoor play area associated with this facility be located away from the neighboring residential areas to the south and east. It will be strategically located behind the north and west side of the building, near the public dog park, where it will not cause a significant increase to existing noise levels. Furthermore, trash collection associated with the dumpster which could generate considerable noise levels, will be limited to the hours of 9:00 a.m. to 3:00 p.m. to minimize noise impacts to the surrounding neighborhood (while also avoiding conflicts with student drop-off and pick up times).

#### *Stormwater Management (SWM)*

The Project must comply with the requirements of Chapter 19 of the Montgomery County Code. There are no



known stormwater management facilities located on the Property. As such, the Applicant will utilize Environmental Site Design ("ESD") to the Maximum Extent Practicable to considerably improve the onsite treatment of stormwater runoff. Stormwater management treatment for quality will be provided on site through several micro-bioretenement planters. However, a stormwater waiver will be requested from DPS for any remaining treatment that cannot be provided for the existing site. The Property is not in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be prepared and submitted to DPS for approval prior to construction.

#### Community Comment

As of the date of posting of this staff report, Staff has not received any comments from the community on the proposed Conditional Use application. However extensive community input and concern had been expressed during public forums on initial proposals for uses of the site (such as a high-rise building) which had been considered by other potential Applicants. The initial proposals by others had included removal of the existing building and trees, whereas the application now proposed is generally consistent with the earlier comments from the community.

#### **Conditions for Granting a Conditional Use- Section 59.7.3.1.E. Necessary Findings<sup>2</sup>**

*To approve a conditional use application, the Hearing Examiner must find that the proposed development:*

**Section 59.7.3.1.E.a:** *satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.*

There are no applicable previous approvals on the Site.

**Section 7.3.1.E.1.b:** *satisfies the requirements of the zone, use standards under Article 59.3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59.6;*

#### Requirements of the Zone

A Day Care Center (Over 30 Persons) is allowed as a conditional use in the R-60 Zone.

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<sup>2</sup> Findings 59.7.3.1.E.4 through 59.7.3.1.E.6. and 59.3.4.4.F.2.a & b.vi. are not applicable to this Application and are therefore not included in this report.

**Table 6: R-60 Development Standards- Section 59.4.4.9.B**

Section	Development Standard	Required/ Permitted	Proposed
59.4.4.9.B.1	Minimum Lot Area	6,000 square feet	91,755 square feet (after dedication)
59.4.4.9.B.1	Minimum Lot Width at Front Building Line		
	Colesville Road	60 feet	180 feet (approx.)
	Ellsworth Road	60 feet	350 feet (approx.)
59.4.4.9.B.1	Minimum Lot Width at Front Lot Line		
	Colesville Road	25 feet	180 feet (approx.)
	Ellsworth Road	25 feet	350 feet (approx.)
59.4.4.9.B.1	Maximum Density (units/acre)	7.26 units	N/A
59.4.4.9.B.1	Maximum Lot Coverage	35% (32,114 SF)	20 % (18,351 SF)
59.4.4.9.B.2	Minimum Front Setback		
	Colesville Road	25 feet	47' (after dedication)
	Ellsworth Road	25 feet	91'
59.4.4.9.B.2	Minimum Side Setback	8 feet	14 feet (south side)
59.4.4.9.B.2	Minimum Sum of Side Setbacks	18 feet	57 feet
59.4.4.9.B.2	Minimum Rear Setback	20 feet	N/A
59.4.4.9.B.3	Maximum Height	35'	35'

Use Standards under 59.3.4.4.F.2. Day Care Center (Over 30 Persons)

*59.3.4.4.F.2.b. Where a Day Care Center (Over 30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 59.7.3.1, Conditional Use, and the following standards:*

- i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Hearing Examiner finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.*

The site has two frontages and although a minor portion of the parking is located between the building and street, the layout is an existing condition which, along with the proposed site modifications and conditions of approval, meet the requirements of this finding.

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

As shown in the Site Access and Circulation exhibit (Figure 7) and discussed in the Transportation section of this report, the staggered pickup and drop off schedule associated with the proposed layout will provide adequate area for the discharge and pick up of children.

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

Staff does not recommend particular limitations on the number of children outside at any one time.

*iv. In the RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones, the Day Care Center (Over 30 Persons) must be located on a site containing a minimum of 500 square feet of land area per person. The Hearing Examiner may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per person where it finds that:*

- (a) the facility will predominately serve persons of an age range that requires limited outdoor activity space;*
- (b) the additional density will not adversely affect adjacent properties; and*
- (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.*

The Project will provide a minimum of 500 square feet of land area per person as required. Based on a maximum of 180 children at any one time, a minimum land area of 90,000 square feet would be required, whereas 91,755 square feet is provided after the future dedication of right-of-way for the Colesville Road frontage.

*v. The Hearing Examiner may limit the number of people allowed for overnight care.*

No overnight care is proposed.

#### Applicable General Development Standards under Division 59.6

##### *Access*

Vehicular access to the Property is provided through three curb cuts which are proposed to remain in the future condition as a result of the Subject Application. Delivery and trash collection vehicles will access the Site from the driveway on Colesville Road and will exit onto Ellsworth Drive.

Sidewalks are present on the Site's Colesville Road and Ellsworth Drive frontages, but they are a substandard width. Along Colesville Road the sidewalks are four feet in width and have no buffer from roadway. The Applicant will be required to replace the existing sidewalks with five-foot sidewalks with lawn panels and/or landscape buffers along both site frontages to help comply with the *2000 North and West Silver Spring Master Plan* recommendations. On Colesville Road the sidewalks will be widened to five feet, keeping the current curb alignment. The sidewalks on Ellsworth Drive will be widened from four to five feet, capturing the additional foot from the existing nine-foot landscaped buffer.

To improve pedestrian access, circulation and safety to and through the Site, the Applicant will be required to install new internal sidewalks connecting to Ellsworth Drive at the northern and southern driveways to enhance the circulation and minimize conflicts between motorists and pedestrians, while also providing new ADA parking spaces and access.

#### *Parking*

#### 59.6.2.4.B&C. Parking Requirements

**Table 7: General Development Requirements- Division 59.6**

Section	Parking	Required Spaces	Proposed
59.6.2.4.B	Vehicle Parking Requirement	Day Care: Min. 3 spaces/1000 SF of GFA <b>Total: 93</b>	<b>Total: 89<sup>3</sup></b> (86 standard 3 ADA)
59.6.2.4.C	Bicycle Parking Requirement	Day Care: Min. 1/5000 sf of GFA <b>Total: 5</b>	4 short term; 5 long term

Due to site constraints that are generally related to the layout of the existing parking lot, the Applicant requests approval of a Parking Waiver under Section 59.6.2.10. to modify Zoning Ordinance Sections 59.6.2.4.B, Vehicle Parking Spaces; 59.6.2.9.C, Parking Lot Landscaping and Outdoor Requirements (associated with a parking lot for 10 or more spaces); and 59.6.2.5.K.2, Setbacks for Facilities for Conditional Uses in Residential Detached Zones.

Strict compliance with the Zoning Ordinance requires the provision of 93 parking spaces and the Conditional Use proposes 89 spaces. Thus, Petitioner is seeking a four-space parking waiver from the vehicular parking requirements contained in Section 59.6.2.4.B.

Under Section 59.6.2.10 of the Zoning Ordinance, the deciding body may waive the requirements contained in Division 59.6.2, if the alternative design satisfies Section 59.6.2.1 of the Zoning Ordinance, of which the intent is to ensure that adequate parking is provided in a safe and efficient manner. As discussed below, the Conditional Use plan, as conditioned, satisfies the requirements for safe, adequate, and efficient parking. The existing parking facility provides 97 parking spaces. Although fifteen (15) of these parking spaces will be displaced by the proposed building addition, dumpster enclosure and internal crosswalks, an additional seven (7) spaces will be added in the southwest portion of the site. Although there is a net loss of eight (8) spaces from the existing conditions, based on the size of the proposed use, the Site is only deficient by four (4) parking spaces. Given the constraints provided on-site (such as existing grades), and the overarching goals of Master Plan for minimizing the commercial appearance and amount of parking associated with special exceptions while promoting compatibility with the surrounding neighborhood, there is no opportunity to provide additional parking on-site. Furthermore, with the transit accessibility of the Property, the proposed parking is more than adequate to accommodate employees, families and visitors of the Center.

The parking requirements are addressed per Table 7: General Development Requirements- Division 59.6. which establishes a Vehicle Parking Requirement of 93 spaces. The application provides 89 spaces (86 standard 3 ADA) and due to site constraints, includes a waiver request for the minor shortage of spaces. The Bicycle Parking Requirement is fully addressed by 4 short-term and 5-long term bicycle parking spaces.

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<sup>3</sup> Parking Waiver requested to provide less than the minimum number of required parking spaces.



#### 59.6.2.4.D. Car-Share Spaces

1. *A parking facility with 50 to 149 parking spaces must have a minimum of one car-share parking space. One additional car-share parking space is required for each 100 parking spaces more than 149, or fraction thereof, up to a maximum requirement of 5. A parking facility may provide more car-share parking spaces than required.*

2. *If the property owner cannot find a car-share organization willing to make use of the spaces, the property owner may use the spaces for publicly-available parking. If a County recognized car-share organization notifies the property owner that the organization wants to use the car-share spaces, the property owner must make the spaces available to the car-share organization within 90 days after receiving written notice of interest from the County recognized car-share organization.*

A condition of approval is recommended for the Applicant to comply with the Zoning Ordinance, Section 59.6.2.3.D, which will potentially require 1 Car-Share Space (unless the property owner cannot find a car-share organization willing to make use of the spaces per the provision in 59.6.2.3.D.2.).

#### Screening

##### *Section 59.6.2.9.C – Landscaped Area, Tree Canopy, and Perimeter Planting*

*Section 59.6.2.9.C contains various landscaping requirements for parking facilities containing more than 10 parking spaces:*

*Section 59.6.2.9.C.1 requires landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot (with a maximum of 20 parking spaces located between each island).*

*Section 59.6.2.9.C.2 requires each parking lot to maintain a minimum tree canopy of 25 percent coverage at 20 years of growth.*

*Section 59.6.2.9.C.3.b (based on the Property's zone and adjacencies) requires a perimeter planting area that:*

- (i) is a minimum of 6 feet wide;*
- (ii) contains a hedge of low wall a minimum of 3 feet high; and*
- (iii) has a canopy tree planted every 30 feet on center (unless the property abuts another parking lot, in which case a perimeter planting area is not required).*

The southern portion of the main existing parking facility has some internal landscaping and tree canopy while the northern portion of the parking facility does not. The Petitioner is seeking a waiver from the three requirements for the parking areas, in order to accommodate the constraints of the existing site conditions.

#### **Requirements:**

##### Landscaped Area

Specifically, based on the size of the northern parking area, Section 59.6.2.9.C.1 would require a minimum of 1,120 square feet of internal landscaped islands. The Petitioner is not proposing to reconfigure the existing parking lot layout and the existing, internal concrete islands which are too narrow to support plantings (each is less than the 100 square foot minimum required). The Petitioner has proposed two

landscaped areas in the northeast and northwest corners of the parking lot, which provide a total of approximately 480 square feet of landscaped area. However, as conditioned, the landscaping will be increased over the current design, but not to the level which would preclude the need for the waivers. The recommended conditions of approval regarding plantings will also help address the Master Plan recommendations to minimize the visibility of the parking and to apply urban forestry practices which includes the planting of native species and providing a mixture of overstory trees and understory trees and shrubs.

#### Canopy Cover

Section 6.2.9.C.2 of the Zoning Ordinance would require a total of approximately 5,598 square feet of canopy cover or eight (8) large canopy trees (*i.e.* eight trees with a 30' diameter at 20-year growth). As previously mentioned, the existing parking islands are too narrow to accommodate canopy tree plantings. However, to provide some canopy cover, while simultaneously working within the constraints of the existing parking conditions, in addition to the proposed three canopy trees in the northeast corner of the site, Staff has recommended conditions of approval to increase the proposed landscape which also helps serve to address the overlapping general recommendations of the Master Plan for buffering/screening of parking and applying urban forestry practices which the use of native species and planting a mixture of overstory trees and understory trees and shrubs.

#### Perimeter Planting

The perimeter planting requirements under Section 6.2.9.C.3.b of the Zoning Ordinance would require perimeter planting that:

*i. Is a minimum of 6 feet wide;*

The northern parking facility meets this requirement on three of the four sides (*i.e.* the north, east and southern sides). The Petitioner is seeking a waiver of this requirement along the western side of the parking facility, which is at some points is very close to the property boundary. However, this façade abuts the existing Ellsworth Drive Urban Park. There is currently a planted buffer area separating the parking facility on the Property and the dog park and the slope along a portion of the parking lot's Ellsworth frontage, as conditioned will be further enhanced with new trees and shrubs, to help mitigate the lack of trees and landscaping internal to the parking lot.

*ii. Contains a hedge or low-wall that is a minimum of 3 feet high; and*

The Petitioner is seeking a waiver of this requirement along all three external boundaries. However, as shown the landscape plan, the Petitioner has proposed shrubs along the eastern perimeter. These shrubs, along with the supplemental plantings as conditioned, will serve to provide a natural buffer of the existing parking facility from Ellsworth Drive. Additionally, the northern and western boundaries, which abut the Ellsworth Drive Urban Park, will be buffered by the landscaping and grade change on the Park property. The southern perimeter will also have plantings that will further soften this edge of the parking facility. Furthermore, the recommended

conditions of approval regarding additional tree plantings along with the street trees will help towards the intent of standard perimeter planting requirements.

*iii. Have a canopy tree planted every 30 feet on center, unless the property abuts another parking lot, in which case a perimeter planting area is not required.*

The Petitioner is requesting a waiver from this requirement for all three external boundaries. As discussed above, the parking lot edge is near the western property boundary, somewhat limits the canopy trees can be planted in this location. However, as conditioned the additional planting along with existing slopes on the adjacent Park property serve to provide a natural buffer of the existing parking facility on the Property. The proposed three trees in the northeast corner of the Property in addition to the supplemental plantings along the Ellsworth frontage will provide some additional, desired canopy coverage while also helping to address the Master Plan recommendations (on page 92) for “identifying locations for improved street tree planting” and “planting a mixture of overstory trees and understory trees and shrubs”.

The proposed waiver from the landscaping and tree canopy requirements will further the intent of the Zoning Ordinance. Retrofitting the existing parking lot to fully meet the landscape area and tree canopy requirements of Sections 6.2.9.C.1 and 6.2.9.C.2 would result in a loss of additional parking spaces and thus, result in the need for a waiver of a greater number of parking spaces. Providing adequate parking and queuing area on-site is critical to ensuring that the proposed childcare use will have no adverse impacts on the surrounding community. Importantly, the parking lot has functioned as is for many years and served the prior library use without issue. Moreover, the existing/proposed trees and the slope along a portion of the parking lot’s Ellsworth frontage, which as conditioned will help to mitigate the lack of trees and landscaping internal to the parking lot.

Section 59.6.2.5.K of the Zoning Ordinance requires that parking facilities for a conditional use located in a Residential Detached Zone provide a minimum side parking setback equal to two (2) times the minimum side setback required for the detached house (or 16 feet). Because the Property is a through lot, it has two fronts and two sides. The existing northern and southern side setbacks do not conform to this standard. However, the Petitioner is not proposing any changes to these areas of the parking lot and is seeking approval of this waiver to allow the existing parking setbacks to remain unchanged. Notably, neither setback area is adjacent to a detached residential use; the southern portion of the parking lot is adjacent to the EOF zone improved with a high-rise multi-family building and the northern portion of the parking lot is adjacent to the Ellsworth Urban Park. As conditioned, the project will satisfy the intent of this section, which is to maintain a residential character and a pedestrian-friendly street. The setbacks from which the Petitioner is seeking a waiver are along internal, side lot lines (not from the street). The waiver generally seeks to conform the existing, long-standing condition of the Property and as such, will not adversely affect the surrounding neighborhood.

### Lighting

Pursuant to Section 59.6.8.1, the Petitioner is seeking approval of an alternative method of compliance for the lighting requirements contained in Section 59.6.4.4.D. As conditioned the lighting will not cause any unreasonable glare on neighboring properties.

Pursuant to Section 59.6.8.1, the Petitioner is seeking approval of an alternative method of compliance for the lighting requirements contained in Section 59.6.4.4.D. requires on-site illumination of 0.5 footcandles or less at the lot line. The existing lighting on-site results in lighting level at the eastern property boundary of approximately 0.9 footcandles. The Hearing Examiner can waive the lighting requirements if it is determined that there is a development constraint, such as an existing building or structure, which precludes safe or efficient development under the lighting requirements. The proposed condition satisfies the findings of Section 6.8.1, as demonstrated below:

#### *Satisfy the intent of the applicable Division;*

The intent of Division 59.6.4 is to preserve property values, preserve and strengthen the character of communities, and improve water and air quality. The proposed alternative compliance generally seeks to preserve the existing, long-standing site conditions. Adequate lighting is needed to ensure safety of visitors and guests within and around the parking facilities. However, the lighting has been designed to ensure there will be no adverse impacts to property values and the character of the community.

#### *Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;*

The existing lighting levels at the property boundary are driven in large part by the need to provide adequate lighting in the parking facilities, to ensure the safety of employees, visitors and guests. Given the existing, reduced parking setbacks, these results in slightly higher lighting levels at the Property boundary. As a result, the only way to meet this standard, without compromising safety, is to remove a significant amount of the existing parking provided on-site (thereby allowing parking facility lighting to be pulled further into the site). The further reduction of parking on-site would have a greater impact on the surrounding neighborhood (as compared to the modest increase in lighting levels), as it would impact the Center's ability to meet its parking demands on-site.

#### *Provide necessary mitigation, alleviating any adverse impacts; and*

The proposed condition has existed on the Property for quite some time. Only the eastern property boundary will not comply with this standard. Given that this property boundary abuts the 70' wide Ellsworth Drive right-of-way, and the minor deviation requested, this will not have an adverse impact on the confronting residential homes. Furthermore, the additional tree plantings, as conditioned, will help mitigation of the excessive lighting.

#### *Be in the public interest.*

The proposed alternative compliance will facilitate the redevelopment of the Property with a childcare Center. This Project serves an important public need, by providing additional, affordable childcare services to residents and workers in the County. Additionally, the Project adaptively re-uses the existing, vacant building, restoring its long-standing civic/institutional use and providing substantial improvements to the site (such as stormwater management, landscaping etc.).



### Signage

The Applicant proposes signage advertising the use along the Site's Colesville Road frontage. The signage must satisfy Section 59.6.7. and should be minimized in size and quantity in accordance with the Master Plan (page 43). Under Section 59.6.7.8, one freestanding sign is allowed, and it must be setback five feet from the property line. The sign can be up two square feet in area and it must be less than five feet tall. Any deviation from these requirements requires approval from the County Sign Review Board. The Applicant proposes to construct a sign substantially larger than two square feet within the State Highway Administration (SHA) right-of-way, so the Applicant will need to seek a sign variance from the Sign Review Board and permission from SHA.

#### **Section 7.3.1.E.1.c. *substantially conforms with the recommendations of the applicable master plan;***

As discussed in the Analysis section above, the Site is located within the boundaries of the *2000 North and West Silver Spring Master Plan*, and as conditioned, the proposal is in substantial conformance with the Master Plan.

#### **Section 7.3.1.E.1.d *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;***

The proposal is harmonious with and will not alter the character of the surrounding neighborhood. The existing building has always contained a non-residential use and physical changes to the outside of the Property include appropriately styled architecture and materials. The Master Plan includes recommendations to provide community facilities to meet the human service...educational and other needs of the diverse community. Furthermore, as conditioned, the application also provides additional plantings to help improve the screening of the existing parking lots. Therefore, the proposed expansion of the existing day care use will not alter the character of the neighborhood.

#### **Section 7.3.1.E.1.e. *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

Staff identified 15 approved conditional uses within the defined neighborhood, which mainly included professional & medical offices. Although approval of this Application will increase the number of conditional uses in the study area, the proposed day care will not affect the area adversely or alter the area's predominantly residential nature. The day care will replace the former library use which previously functioned with a relatively similar level of use. Furthermore, (as mentioned above) the Master Plan includes recommendations to provide community facilities to meet the human service...educational and other needs of the diverse community.

#### **Section 7.3.1.E.1.f. *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or*

- ii. *if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and*

The proposed redevelopment on the two subject unplatted parcels requires the Applicant to seek approval of a Preliminary Plan of Subdivision to consolidate the Property into one recorded lot. The adequacy of public services and facilities will be determined as part of the required Preliminary Plan of Subdivision. However, Staff's preliminary analysis indicates adequate public facilities will be available to serve the Site.

**Section 7.3.1.E.1.g.** *will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:*

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

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every conditional use has some or all of these effects in varying degrees. Thus, inherent effects associated with the use have to be determined. In addition, non-inherent effects have to be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a conditional use. It must be determined during the course of review whether these effects are acceptable or would create adverse impacts sufficient to result in denial.

Staff has identified the following inherent impacts of the proposal:

The inherent physical and operational characteristics necessarily associated with a Day Care Center include: (1) vehicular trips to and from the Site; (2) outdoor play areas; (3) noise generated by children; (4) drop-off and pick-up areas; and (5) lighting.

Adequate parking and drop-off/pick-up areas are available on site. The drop-offs and pick-ups will be limited by the conditions of approval of the proposed use to minimize impacts to the neighborhood. In keeping with the general circulation of the existing site, most of the vehicle trips will enter from Colesville Rd, a Major Highway and result in little discernable impact on neighborhood based on the above considerations.

Potential noise issues associated with use are addressed by strategic placement of the play area, which is adjacent to the dog park and also located behind the building where it is shielded from the adjacent residents to the south and east. Furthermore, trash pick-up will be limited to the hours of 9:00 a.m. and 3:00 p.m. to limit disruptions to the school operations and student safety as well as noise impacts to the surrounding neighborhood.

The existing lighting and landscaping on the Site will be modified under the proposal and further enhanced by the conditions of approval to address the associated Master Plan and zoning requirements to the extent practicable. A waiver to allow increased lighting level along the Ellsworth Drive Frontage has been requested and is supported by Staff as discussed herein. As conditioned, the proposal is consistent with the residential character of the neighborhood and the proposal will not have any non-inherent effects at this location.

**Section 7.3.1.E.2.** *Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.*

The proposal is for the adaptive re-use of the existing building with a two-story addition on the eastern edge of the building. The proposed addition has been designed to harmonize with the existing scale, materiality and architectural character of the existing building. Additional minor site improvements are proposed to enhance the open space, provide improved ADA access & on-site circulation, accommodate on-site loading and trash, and improve stormwater management. The proposed building layout complies with the development standards of Section 59.4.4.9 of the Zoning Ordinance for the R-60 Zone. As conditioned, additional planting will be provided to further improve the screening of the existing parking lots and provide an enhanced aesthetic that will better relate to the residential character of the neighborhood.

**Section 7.3.1.E.3.** *The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.*

The proposed use will be compatible with the nearby residential properties and Staff recommends approval with conditions.

## **CONCLUSION**

The proposed conditional use complies with the general conditions and standards of a Day Care Center, subject to the recommended conditions of approval. Staff recommends approval of the Parking Waivers from Sections 59.6.2.4.B, 59.6.2.9.C, and 59.6.2.5.K.2, and the Alternative Method of Compliance from Section 59.6.4.4.D. As conditioned, the proposed use meets the findings set forth in Section 59.7.3.1.E. of the Zoning Ordinance, is consistent with the goals and recommendations of the 2000 *North and West Silver Spring Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

## **Attachments:**

Attachment 1: Letter of Authorization

Attachment 2: Conditional Use Plan

Attachment 3: Landscape Plan

Attachment 4: MCDOT and SHA Letters

Attachment 5: Parking and Lighting Waiver Request



DEPARTMENT OF GENERAL SERVICES

Isiah Leggett  
County Executive

David E. Dise  
Director

July 29, 2019

Chairman Casey Anderson and Members of  
The Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Former Silver Spring Library Site - Development Plan Applications

Dear Chairman Anderson and Planning Board Members:

Montgomery County is the owner of the property located at 8901 and 8907 Colesville Road in Silver Spring, consisting of approximately 2.3 acres, the former location of the Silver Spring Library (the "Property"). The Property is proposed for redevelopment as a licensed childhood care, education and development facility (the "Project").

Montgomery County hereby authorizes the Martha B. Gudelsky Child Development Center and its authorized representatives to submit to the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission and other applicable government agencies all required development plan applications ("Applications") for the development of the Project on the Property, including but not limited to applications for one or more Conditional Use(s), Sketch Plan(s), Preliminary Plan(s), Site Plan(s) and Record Plat(s) and all associated documents, and to act on behalf of the County in the furtherance of the Applications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Ossont", is written over a horizontal line.

Greg Ossont  
Deputy Director

Office of the Director

101 Monroe Street, 9th Floor • Rockville, Maryland 20850

[www.montgomerycountymd.gov/dgs](http://www.montgomerycountymd.gov/dgs)

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this Option on the date written below.

WITNESS:

Julie L. White

MONTGOMERY COUNTY, MARYLAND

Fariba Kassiri

By: Fariba Kassiri

Deputy Chief Administrative Officer

Date: 7/24/19

Jonathan P. Green

THE MARTHA B. GUDELSKY CHILD  
DEVELOPMENT CENTER, INC.

Rita G. Regino, President

By: Rita G. Regino

Its: President

Date: 7/23/2019

APPROVED FOR FORM AND LEGALITY

Neal Anker 7-24-19

Neal Anker

Date

Associate County Attorney



ZONE: R-60		
STANDARD METHOD OF DEVELOPMENT		
BUILDING STANDARD	REQUIRED/PERMITTED	PROPOSED
BUILDING HEIGHT	35'	35'
BUILDING SETBACKS		
FRONT(COLESVILLE):	25'	68'
FRONT (ELLSWORTH):	25'	91'
SIDE	8'	13'
SIDE	8'	43'
TRACT AREA	95,906 S.F. (2.2 AC.)	
COVERAGE	35% (MAX)	20%
BUILDING AREA (GFA)	31,257 SF	



**LOCATION MAP**  
SCALE: 1" = 2000'

### REFERENCES:

1. THE SUBJECT PARCELS ARE THE LANDS OF MONTGOMERY COUNTY AS RECORDED IN LIBER 1884 FOLIO 240 AND LIBER 3482 FOLIO 320, ALL AMONG THE LANDS RECORDED IN MONTGOMERY COUNTY, MARYLAND, AS SHOWN ON TAX MAP JP51 AS PARCELS #9501 AND #9393 PER THE DEPARTMENT OF ASSESSMENTS.
2. AREA = 95,906 SQUARE FEET OR 2.202 ACRES
3. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE, SOURCE INFORMATION FROM RECORDS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES. THE EXACT LOCATION OF UTILITIES IS NOT KNOWN. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES IS NOT KNOWN. THE INFORMATION IS COMPLETELY AND RELIABLY DEFECTED, WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT THE CLIENT WILL BE RESPONSIBLE FOR THE COSTS OF SUCH INVESTIGATION.
4. THIS SURVEY WAS PERFORMED IN THE FIELD ON JANUARY 28, 2020 UTILIZING THE REFERENCE DOCUMENTS AS LISTED HEREON AND DEPICTS BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS.
5. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE SURVEY. HOWEVER, NO PHYSICAL INDICATIONS OF SUCH WERE FOUND AT THE TIME OF THE FIELD INSPECTION OF THIS SITE.
6. ELEVATIONS ARE BASED ON NGVD29 DATUM DETERMINED BY GPS OBSERVATIONS ADJUSTED IN TO WSSC BENCHMARK NO. 5201 WITH A PUBLISHED ELEVATION OF 351.278 FEET.
7. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER MAPS ENTITLED "FIRM FLOOD INSURANCE RATE MAPS" OF THE UNITED STATES OF AMERICA AND INCORPORATED AREAS PANEL 370 OF 480" MAP NUMBER 24031C03700 AND "FIRM FLOOD INSURANCE RATE MAPS" OF THE UNITED STATES OF AMERICA AND INCORPORATED AREAS PANEL 480" MAP NUMBER 24031C04040, BOTH WITH A MAP EFFECTIVE DATE OF SEPTEMBER 28, 2006.
8. PARCELS 1 AND PARCELS 2 ARE CONTIGUOUS WITHOUT STRIPS, GAPS OR GORES BETWEEN THE PARCELS.
9. EXISTING PAVING: 93' STANDARD  
4' ADA  
97' TOTAL SPACES
10. BOHLER ENGINEERING WAS NOT MADE AWARE OF ANY WETLAND DELINEATION PERFORMED ON THE SUBJECT PROPERTIES AND THERE WERE NO WETLAND FLATS OBSERVED AT THE TIME OF THE FIELD SURVEY. THERE WAS NOT A PHASE I REPORT

**NOTES:**

1. OWNER:  
MONTGOMERY COUNTY  
101 MONROE STREET  
ROCKVILLE, MD 20850
2. APPLICANT:  
MARTHA E. GUDENSKY CHILD DEVELOPMENT CENTER, INC. (T/A MARTHA GUDENSKY CHILD DEVELOPMENT CENTER)  
11900 TECH ROAD, SILVER SPRING, MD 20904
3. AREA = 95,906 SQUARE FEET OR 2.2 ACRES
4. EXISTING FOREST ON-SITE: NONE
5. CURRENT ZONING: RESIDENTIAL (R-60)
6. WSSC 200 SCALE BASE MAP: 211NW01
7. TAX ID #: 13-00971462, 13-00972821
8. TAX MAP: JP31
9. WATERSHED: SLIGO CREEK  
USE CLASS: I
10. SPECIAL PROTECTION AREA: NO
11. SPECIAL PROTECTION OR PRIMARY MANAGEMENT AREA: NO
12. FOREST STAND DELINEATION FIELD WORK WAS CONDUCTED BY MICHAEL J. KLEBASKO (QUALIFIED PROFESSIONAL OF WETLAND STUDIES AND SOLUTIONS, INC. ON JANUARY 24 2019. THIS SITE DOES NOT CONTAIN ANY AREAS QUALIFYING AS FOREST UNDER THE STATE FOREST CONSERVATION ACT.
13. 100-YEAR FLOODPLAIN SOURCE: NONE
14. PERENNIAL, INTERMITTENT AND EPHEMERAL STREAMS: NONE
15. NO JURISDICTIONAL WETLANDS OR OTHER WATERS OF THE U.S WERE IDENTIFIED ON THE PROPERTY.
16. A FORESTRY DIAMETER TAPE WAS USED TO MEASURE THE DIAMETER OF THE SIGNIFICANT AND SPECIMEN TREES IDENTIFIED ON THIS PLAN. A TOTAL OF TWO (2) SIGNIFICANT TREES AND FIVE (5) SPECIMEN TREES WERE IDENTIFIED ON THE SITE.
17. NO RARE, THREATENED OR ENDANGERED SPECIES WERE OBSERVED ON THE PROPERTY DURING THE COURSE OF THE FOREST STAND DELINEATION WORK.
18. THIS PROPERTY IS NOT LOCATED ON THE LOCATIONAL ATLAS AND INDEX OF THE STATE OF MARYLAND.
19. NO TREES WERE IDENTIFIED ON-SITE THAT ARE 75% OF THE STATE OR COUNTY CHAMPIONS.
20. A FORESTRY DIAMETER TAPE WAS USED TO MEASURE THE DIAMETER OF THE SIGNIFICANT AND SPECIMEN TREES IDENTIFIED ON THIS PLAN. A TOTAL OF TWO (2) SIGNIFICANT TREES AND FIVE (5) SPECIMEN TREES WERE IDENTIFIED ON THE SITE.
21. THERE ARE STEEP SLOPES ON-SITE.

## REVISIONS

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE. IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL - 811  
(WV 1-800-245-4848) (PA 1-800-242-1776) (DC 1-800-257-7777) (VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-282-8556)

NOT APPROVED FOR  
CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY  
REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION  
DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.:	MB192136
DRAWN BY:	IBG
CHECKED BY:	BF
DATE:	04/30/20
CAD I.D.:	CU0

PROJECT:

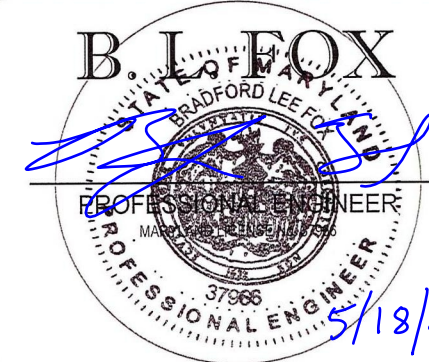
PROJECT: **MARTHA B.  
GUDELSKY CHILD  
DEVELOPMENT  
CENTER**

\_\_\_\_\_ FOR \_\_\_\_\_

MARTHA B. GUDELSKY  
CHILD DEVELOPMENT  
CENTER, INC.

8901/8907 COLESVILLE ROAD  
MONTGOMERY COUNTY  
SILVER SPRING, MARYLAND  
PARCELS: P933 & P959  
TAX MAP: JP31  
WSSC GRID: 211NW01

**BOHLER //**  
16701 MELFORD BLVD , SUITE 310  
BOWIE, MARYLAND 20715  
Phone: (301) 809-4500  
Fax: (301) 809-4501  
***MD@BohlerEng.com***



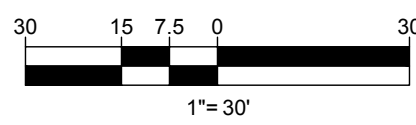
SHEET TITLE:

## CONDITIONAL USE PLAN

SHEET NUMBER

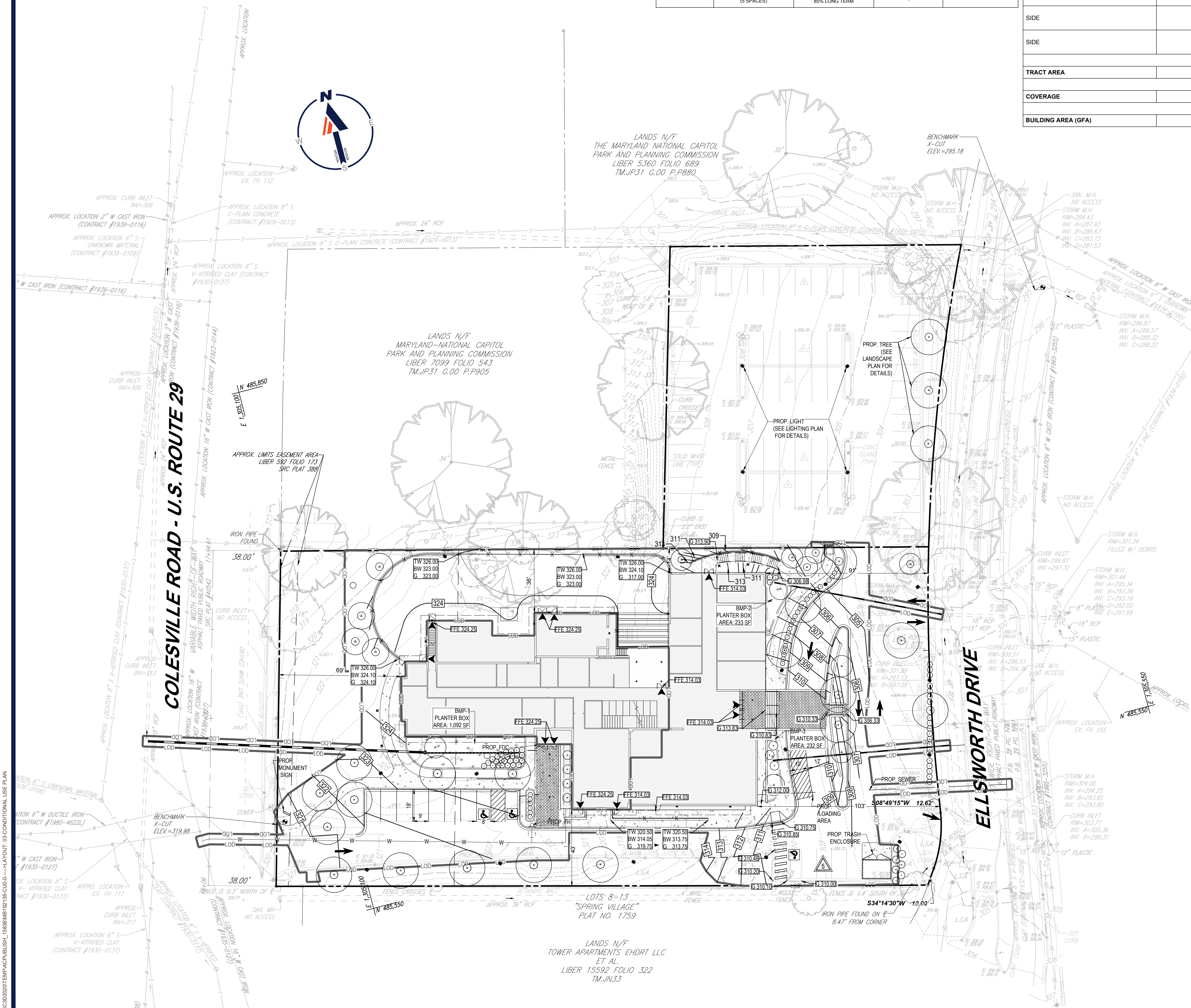
3

ORG. DATE - 04/30/20



PROFESSIONAL CERTIFICATION  
I, BRADFORD L. FOX, HEREBY CERTIFY THAT THESE  
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND  
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND,  
LICENSE NO. 37966, EXPIRATION DATE: 11/30/2021

C:\PROGRAMDATA\BOHLER\C3D2020\TEMP\ACPUBLISH\_15836\MB192136-CU0-0----->LAYOUT: 03-CONDITIONAL USE PLAN



LANDS N/F  
TOWER APARTMENTS EHDRT LLC  
ET AL.  
LIBER 15592 FOLIO 322  
TM.JN33

GENERAL NOTE:  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.







August 21, 2020

Ms. Nancy Randall  
Wells and Associates  
1110 Bonifant Street, Suite 210  
Silver Spring, MD 20910

Dear Ms. Randall:

Thank you for the opportunity to review the **Traffic Impact Study (TIS)** prepared by **Wells and Associates** dated **February 24, 2020**, *revised May 01, 2020* for the proposed **Martha Gudelsky Child Development Center** development – **20APMO003XX** located at **US 29 Colesville Road** (Mile Point: **1.12**) in **Montgomery County**, Maryland. The State Highway Administration (SHA) review is complete and we are pleased to respond.

- The proposed redevelopment consists of providing a daycare facility to accommodate up to 180 students, replacing the existing library facility.
- The access to the property will remain unchanged with three (3) driveways, one off Colesville Road and two off Ellsworth Drive. The access on Colesville Road is one-way inbound only while the southern-most access on Ellsworth Drive is one-way outbound only.

Based on the information provided, please address the following comments in a point-by-point response:

**Travel Forecasting and Analysis Division (TFAD) Comments by (Mr. Scott Holcomb):**

1. TFAD has reviewed the additional operational analyses for the US 29 corridor as requested by MDOT SHA. We are satisfied with the responses and analysis results and have no further comments on this application.

**District 3 Traffic Comments by (Mr. Alvin Powell):**

1. District 3 Traffic has no further comments.

Ms. Nancy Randall  
SHA Tracking No.: 20APMO003XX  
Page 2 of 2  
August 21, 2020

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. However, an access permit will be required for all construction within the SHA right of way. Please submit one (1) set of the proposed improvement plans (including a set of hydraulic plans and computations) and a CD containing the plans and all supporting documentation to the Access Management Division at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Kwesi Woodroffe. For electronic submissions create an account with our new online system <https://mdotsha.force.com/accesspermit>. Please reference the SHA tracking number on any future submissions.

Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <https://www.roads.maryland.gov/mdotsha/pages/amd.aspx>. Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development. If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at [kwoodroffe@mdot.maryland.gov](mailto:kwoodroffe@mdot.maryland.gov) or [shaamdpermits@mdot.maryland.gov](mailto:shaamdpermits@mdot.maryland.gov).

Sincerely,



Andre Futrell,  
District Engineer, District 3, SHA

AF/jwm

cc: Ms. Natasha Aidoo, SHA District 3 Traffic  
Ms. Rola Daher, SHA – TFAD  
Ms. Stephanie Dickel, Montgomery Planning  
Mr. Derek Gunn, SHA District 3 Traffic  
Mr. Scott Holcomb, SHA – TFAD  
Ms. Katherine Mencarini, Montgomery Planning  
Mr. Alvin Powell, SHA District 3 Traffic  
Mr. Deepak Somarajan, Montgomery County Department of Transportation  
Ms. Rebecca Torma, Montgomery County Department of Transportation  
Mr. Kwesi Woodroffe, SHA District 3 Regional Engineer



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R. Conklin  
*Director*

August 31, 2020

Ms. Katherine Mencarini, Senior Planner  
Area 1 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Martha Gudelsky – Child Development  
Center - Centronia  
Traffic Impact Study Review

Dear Ms. Mencarini:

We have completed our review of the revised Local Area Transportation Review and Transportation Policy Area Review (TIS) report for the proposed Martha Gudelsky – Child Development - Centronia. This study, dated May 1, 2020, was prepared by Wells + Associates. Total development evaluated by the report and analysis includes redevelopment of the existing building and construction of a two-story wing addition to the building to a 30,000 SF daycare for up to 180 students.

We offer the following comments:

**Adequacy Determination**

1. The study (page-16) indicates that the subject development will generate more than 50 total weekday peak hour person trips; therefore, the Motor Vehicle Adequacy test is required.
2. The study indicates that the analysis for pedestrian, transit and bicycle system adequacy is not required since the proposed development does not generate more than 50 trips for any of the tests. We accept this conclusion.

**Motor Vehicles System Adequacy**

1. The TIS indicates this study was prepared in accordance with the Fall 2017 Local Area Transportation Review (LATER) guidelines.

Office of the Director

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101 Monroe Street, 10<sup>th</sup> Floor, Rockville, MD 20850 · 240-777-7170 · 240-777-7178 Fax  
[www.montgomerycountymd.gov/mcdot](http://www.montgomerycountymd.gov/mcdot)

2. The subject site and four out of eight studied intersections are located within the Silver Spring/Takoma Park Policy Area where the congestion threshold is established at a maximum overall average delay of 80 seconds per vehicle. The remaining four studied intersections are located within the Silver Spring CBD Policy Area where the congestion threshold is established at a maximum overall average delay of 120 seconds per vehicle.
3. All the studied intersections, with the exception of one, will operate within the congestion standard of the Silver Spring/Takoma Park or Silver Spring CBD Policy Areas. The intersection of Colesville Road and Dale Drive located within the Silver Spring/Takoma Park Policy Area, operates with a 119.4 second/vehicle delay in the AM peak hour, under existing conditions. The intersection delay increases to 164.8 seconds/vehicle under background conditions, and 167.6 seconds/vehicle under total future conditions. The consultant has proposed to optimize the intersections splits at this intersection. With the optimized splits, the intersection would continue to run at a 150-second cycle but the average delay at the intersection would be reduced to 109.5 seconds/vehicle during the AM peak hour under total future conditions. MCDOT is requesting a payment to be made for the optimization of the split-phase of this traffic signal. The payment of \$1,350 (CIP 507154) will be made to MCDOT prior to issuance of the right-of-way permit.

#### **Pedestrian and Bicycle Impact Statement**

1. The consultant provided an evaluation of the pedestrian and bicycle access and circulation in the vicinity of the site and the transit and other non-automotive operations in the study area. The consultant provided the location of sidewalks, pedestrian signal heads, accessible ramps and bus stops and routes within the study area.
2. Four of the studied intersections are signalized and provide controlled pedestrian crossings. The consultant determined that all four intersections provide sufficient timing for pedestrians to cross the respective road at a walking speed of 3.5 feet per second. In addition, there is adequate "Walk" time and "Flashing Don't Walk" time available for pedestrians to cross within the crosswalks on each street except one leg of the Ellsworth Drive and Spring Street/Cedar Street intersection.
3. The applicant provided the locations of bus stops and the routes; amenities at the stops were identified.

#### **TDM Plans**

CSS recommends that the applicant consider incorporating the following TDM elements into the project:

1. **Display of Transportation Information:** Incorporate into the design of the lobby/vestibule area, a monitor to display digital transportation-related information including real time transit information. This will serve employees, visitors and the general community. Information may include real time information for bus and Metrorail schedules and service announcements, locations of bikeshare and other shared-use mobility device services bikeshare, and announcements of County-sponsored activities and events. This will facilitate community use of this facility during non-daycare hours. There is no cost to connect to the County's feed and it can run on the same monitor

Ms. Mencarini  
Martha Gudelsky Child  
Development Center – Centronia  
August 31, 2020  
Page 3

the applicant plans to use to show project-related information.

2. **EV Parking:** The Applicant plans to provide 89 of the required 94 onsite parking spaces. To support the County's aggressive goals to address climate change, CSS recommends that 2 of the 89 spaces be designated as and fully wired for electric vehicle charging stations.

### **SUMMARY**

1. The motor vehicle delay will not exceed the Silver Spring/Takoma Park or Silver Spring CBD policy threshold with the exception of the Colesville Road and Dale Drive intersection during AM peak hours. The applicant has proposed mitigation at this intersection and they will make a payment of \$1,350 to MCDOT (CIP 507154) prior to issuance of the right-of-way permit.
2. We concur with the consultant's conclusion regarding the pedestrian, transit and bicycle system adequacy.

Thank you for the opportunity to review this report. If you have any questions or comments regarding this letter, please contact myself for this project, at Brenda.Pardo@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,

*Brenda M. Pardo*

Brenda M. Pardo, Engineer III  
Development Review Team  
Office of Transportation Policy

[SharePoint\teams\DOT\Director's Office\Development Review\Brenda\Traffic Impact Study \(TIS\)\ Martha Gudelsky\Martha Gudelsky-TIS Letter\\_8.31.20](#)

cc:e: Correspondence folder FY 2021

Nancy Randall  
Atiq Panjshiri  
Sam Farhadi  
Mark Terry  
Kamal Hamud  
Rebecca Torma

Wells + Associates, Inc.  
MCDPS RWPR  
MCDPS RWPR  
MCDOT DTEO  
MCDOT DTEO  
MCDOT OTP



**MBGCDC/CentroNia**  
**CU 20-08**  
**Request for Parking Waiver and Alternative Compliance**

**I. OVERVIEW**

The above-referenced Conditional Use application has been submitted by the Martha B. Gudelsky Child Development Center, Inc., t/a Martha Gudelsky Child Development Center (“MBGCDC”) (the “Petitioner”), in partnership with CentroNía, in connection with its request to establish an early childcare and education center, qualifying under the zoning category as a Day Care Center (Over 30 Persons), (the "Center") on the property located at 8901 and 8907 Colesville Road in Silver Spring, Maryland (the "Property"). As discussed in detail in the Petitioner’s Land Use Report, the Petitioner is proposing to adaptively re-use the existing, former Silver Spring Library building on the Property for a childcare center. The Petitioner is proposing only minor site improvements and thus must work within the constraints of the existing parking facility. Accordingly, the Petitioner is unable to satisfy certain parking and lighting requirements contained in Divisions 6.2 and 6.4 of the Zoning Ordinance. Specifically, in connection with the Conditional Use Application, the Petitioner respectfully requests approval of a Parking Waiver (under Section 6.2.10) to modify Zoning Ordinance Sections 6.2.4.B, Vehicle Parking Spaces; 6.2.9.C, Parking Lot Landscaping and Outdoor Requirements (Requirements for 10 or More Space) – Landscaped Area, Tree Canopy and Perimeter Planting; and 6.5.2.K.2, Setbacks for Facilities for Conditional Uses in Residential Detached Zones. Additionally, pursuant to Section 6.8.1, the Petitioner is seeking approval of an alternative method of compliance for the lighting requirements contained in Section 6.4.4.D.

**II. PARKING WAIVER REQUEST**

**A. Authority to Grant Waiver**

Pursuant to Section 6.2.10 of the Zoning Ordinance, the Hearing Examiner may waive the requirements contained in Division 6.2, so long as the proposed design satisfies the intent of the parking requirements, as set forth in Section 6.2.1 of the Zoning Ordinance. The stated Intent is “to ensure that adequate parking is provided in a safe and efficient manner.” As discussed below, the Conditional Use plan, as proposed, satisfies this requirement and works within the constraints of the existing parking facility to provide safe, adequate, and efficient parking on-site.

**B. Section 6.2.4.B – Parking Spaces**

Strict compliance with the Zoning Ordinance requires the provision of 94 parking spaces and the Conditional Use proposes 89 spaces. Thus, Petitioner is seeking a minor, five-space parking waiver from the vehicular parking requirements contained in Section 6.2.4.B.

The existing parking facility provides 97 parking spaces. Although fifteen (15) of these parking spaces will be displaced by the proposed building addition, dumpsters and internal crosswalks, an additional seven (7) spaces will be added in the southwest portion of the site. Accordingly, there is only a net loss of eight (8) spaces. Given the constraints provided on-site (e.g. existing grades), and overarching goals of minimizing the commercial appearance of the facility and promoting compatibility with the surrounding neighborhood, there is no opportunity to provide additional parking on-site.

The number of parking spaces is determined by the gross floor area of the building. One of the attractive features of the building that is often lacking in other childcare Centers is the generous (3,024 square foot) community space/indoor playroom located on the first floor. While this space is not being used to accommodate more classroom space (and thus does not in and of itself generate trips to the Center), it nonetheless must be included in the gross floor area for purposes of calculating the number of required parking spaces. Three parking spaces are attributable to the community space/indoor playroom.

Based on significant previous experience at the Petitioner's other childcare locations, coupled with the transit accessibility of the Property, the proposed parking is more than adequate to accommodate employees, families and visitors of the Center. Foremost, it is anticipated that approximately 25 to 30 percent of the families will have more than one child attending the Center. In addition, given that the Property is well served by various modes of public transportation, including the Silver Spring Metro Station, future Purple Line Station and various bus routes, the Petitioner anticipates that approximately 20 to 25 percent of the families and 35 to 40 percent of the employees will utilize transit to access the site. Thus, it is estimated that just over 100 families will utilize the Center's parking lot for drop off and pick up. At the same time, the morning and evening pick-up and drop-off times extend over several hours, with no more than approximately 40 percent of the children being picked-up or dropped-off in any given one-hour period. Given that each drop off/pick up takes only up to approximately 15 minutes, there will be a sufficient number of parking spaces to accommodate the Center.

### **C. Section 6.2.9.C – Landscaped Area, Tree Canopy, and Perimeter Planting**

#### **a. Overview**

Section 6.2.9.C contains various landscaping requirements for parking facilities containing more than 10 parking spaces:

- Section 6.2.9.C.1 requires landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot (with a maximum of 20 parking spaces located between each island).
- Section 6.2.9.C.2 requires each parking lot to maintain a minimum tree canopy of 25 percent coverage at 20 years of growth.

- Section 6.2.9.C.3.b, based on the Property's zone and adjacencies, requires a perimeter planting area that (i) is a minimum of 6 feet wide; (ii) contains a hedge of low wall a minimum of 3 feet high; and (iii) has a canopy tree planted every 30 feet on center, unless the property abuts another parking lot, in which case a perimeter planting area is not required.

The southern portion of the main existing parking facility has some internal landscaping and tree canopy while the northern portion of the parking facility, which is the subject of this waiver request and will remain largely unchanged, does not. As such, the Petitioner is seeking a waiver from these three requirements for the northern parking area, in order to accommodate the constraints of the existing site conditions.

b. Requirements

i. Landscaped Area

Specifically, based on the size of the northern parking area, Section 6.2.9.C.1 would require a minimum of 1,120 square feet of internal landscaped islands. The Petitioner is not proposing to reconfigure the existing parking lot layout and the existing, internal concrete islands are too narrow to support plantings (each is less than the 100 square foot minimum required). However, in an effort to maximize the landscaped area within the parking lot, the Petitioner has added two landscaped areas in the northeast and northwest corners of the parking lot, which provide a total of approximately 480 square feet of landscaped area.

ii. Canopy Cover

Section 6.2.9.C.2 of the Zoning Ordinance would require a total of approximately 5,598 square feet of canopy cover or eight (8) large canopy trees (*i.e.* eight trees with a 30' diameter at 20-year growth). As previously mentioned, the existing parking islands are too narrow to accommodate any tree plantings. However, to provide some canopy cover, while simultaneously working within the constraints of the existing parking conditions, the Petitioner is proposing to provide three large canopy trees in the northeast corner of the site. This will provide approximately 2,118 square feet of canopy coverage.

iii. Perimeter Planting

Lastly, the perimeter planting requirements under Section 6.2.9.C.3.b of the Zoning Ordinance would require perimeter planting that:

1. *Is a minimum of 6 feet wide;*

The northern parking facility meets this requirement on three of the four sides (*i.e.* the north, east and southern sides). The Petitioner is seeking a waiver of this requirement along the western side of the parking facility, which directly abuts the property boundary. However, this

façade abuts the existing Ellsworth Drive Urban Park. There is currently a wide planted buffer area separating the parking facility on the Property and the dog park. Additionally, the existing grade change provides a natural buffer that achieves the intent of this setback.

2. *Contains a hedge or low-wall that is a minimum of 3 feet high; and*

The Petitioner is seeking a waiver of this requirement along all three external boundaries. However, as shown the landscape plan, the Petitioner has proposed shrubs along the eastern perimeter. These shrubs, along with the existing grade change, will serve to provide a natural buffer of the existing parking facility from Ellsworth Drive. Additionally, the northern and western boundaries, which abut the Ellsworth Drive Urban Park, will be buffered by the landscaping and grade change on the Park property. Lastly, although not required because it is internal to the site, the southern perimeter will also have plantings that will further soften this edge of the parking facility.

3. *Has canopy tree planted every 30 feet on center, unless the property abuts another parking lot, in which case a perimeter planting area is not required.*

The Petitioner is requesting a waiver from this requirement for all three external boundaries. As discussed above, the parking lot directly abuts the western property boundary, and as such, no canopy trees can be planted in this location. However, the landscaping and grade change on the adjacent Park property serve to provide a natural buffer of the existing parking facility on the Property. Although no trees are proposed along the northern and eastern boundaries, the Petitioner is proposing to provide three trees in the northeast corner of the Property to provide some additional, desired canopy coverage.

### **c. Justification**

The proposed waiver from the landscaping and tree canopy requirements will further the intent of the Zoning Ordinance. Retrofitting the existing parking lot to meet the landscape area and tree canopy requirements of Sections 6.2.9.C.1 and 6.2.9.C.2 would result in a loss of additional parking spaces and thus, result in the need for a waiver of a greater number of parking spaces. Providing adequate parking and queuing area on-site is critical to ensuring that the proposed childcare use will have no adverse impacts on the surrounding community. Importantly, the parking lot has functioned as is for many years and served the prior library use without issue. Moreover, the existing street trees and the berm along a portion of the parking lot's Ellsworth frontage, which will augmented with new shrubs, will help to mitigate the lack of trees and landscaping internal to the parking lot. Accordingly, the Petitioner believes this waiver will further the intent of the Zoning Ordinance.

#### **D. Section 6.2.5.K - Setbacks**

Section 6.2.5.K of the Zoning Ordinance requires that parking facilities for a conditional use located in a Residential Detached Zone provide a minimum side parking setback equal to two (2) times the minimum side setback required for the detached house (or 16 feet). Because the Property is a through lot, it has two fronts and two sides. The existing northern and southern side setbacks do not conform to this standard. However, the Petitioner is not proposing any changes to these areas of the parking lot and is merely seeking approval of this waiver to allow the existing parking setbacks to remain unchanged. Notably, neither setback area is adjacent to a detached residential use; the southern portion of the parking lot is adjacent to the EOF zone improved with a high-rise multi-family building and the northern portion of the parking lot is adjacent to the Ellsworth Urban Park. The proposed Project will satisfy the intent of this section, which is to maintain a residential character and a pedestrian-friendly street. The setbacks from which the Petitioner is seeking a waiver are along internal, side lot lines (not from the street). The waiver merely seeks to conform the existing, long-standing condition of the Property and as such, will not adversely affect the surrounding neighborhood.

#### **III. ALTERNATIVE METHOD OF COMPLAINE**

Pursuant to Section 6.8.1, the Petitioner is seeking approval of an alternative method of compliance for the lighting requirements contained in Section 6.4.4.D. The Code requires on-site illumination of 0.5 footcandles or less at the lot line. The existing lighting on-site results in lighting level at the eastern property boundary of approximately 0.9 footcandles. The Hearing Examiner can waive the lighting requirements if it is determined that there is a development constraint, such as an existing building or structure, which precludes safe or efficient development under the lighting requirements. The proposed condition satisfies the findings of Section 6.8.1, as demonstrated below:

- *Satisfy the intent of the applicable Division;*

The intent of Division 6.4 is to preserve property values, preserve and strengthen the character of communities, and improve water and air quality. The proposed alternative compliance merely seeks to preserve the existing, long-standing site conditions. Adequate lighting is needed to ensure safety of visitors and guests within and around the parking facilities. However, the lighting has been designed to ensure there will be no adverse impacts to property values and the character of the community.

- *Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;*

The existing lighting levels at the property boundary are driven in large part by the need to provide adequate lighting in the parking facilities, to ensure the safety of employees, visitors and guests. Given the existing, reduced parking setbacks, these results in slightly higher lighting levels at the Property boundary. As a result, the only way to meet this standard, without compromising

safety, is to remove a significant amount of the existing parking provided on-site (thereby allowing parking facility lighting to be pulled further into the site). The further reduction of parking on-site would have a greater impact on the surrounding neighborhood (as compared to the modest increase in lighting levels), as it would impact the Center's ability to meet its parking demands on-site.

- *Provide necessary mitigation, alleviating any adverse impacts; and*

The proposed condition has existed on the Property for quite some time. Only the eastern property boundary will not comply with this standard. Given that this property boundary abuts the 70' wide Ellsworth Drive right-of-way, and the minor deviation requested, this will not have an adverse impact on the confronting residential homes.

- *Be in the public interest.*

The proposed alternative compliance will facilitate the redevelopment of the Property with a childcare Center. This Project serves an important public need, by providing additional, affordable childcare services to residents and workers in the County. Additionally, the Project adaptively re-uses the existing, vacant building, restoring its long-standing civic/institutional use and providing substantial improvements to the site (*e.g.* stormwater, landscaping etc.).

For all of these reasons, we respectfully request approval of the proposed lighting levels along the eastern property boundary.

#### **IV. CONCLUSION**

For all of these reasons contained in this Statement, we respectfully request approval of the Parking Waivers from Sections 6.2.4.B, 6.2.9.C, and 6.5.2.K.2, and the Alternative Method of Compliance from Section 6.4.4.D.