

Referral comments



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

MCPB
ITEM #
October 8, 2009

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Acting Division Chief
Environmental Planning Division

FROM: Amy Lindsey, Senior Planner
Environmental Planning Division

DATE: September 15, 2009

REVIEW TYPE: Preliminary Forest Conservation Plan No. S-2710
Kiddie Academy/Dayhill

LOCATION: Layhill Road/Bonifant Road
Aspen Hill

APPLICANT: Dayhill, LLC
APPLICANT'S ENGINEER: Macris, Hendriks & Glascock, P.A.

The subject plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law), the Environmental Guidelines, Noise Guidelines, and other related requirements. The following determination has been made:

RECOMMENDATION: Approval subject to the following conditions:

1. Compliance with the conditions of approval for the preliminary forest conservation plan dated September 15, 2009. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permit(s), as appropriate.
 - a. Approval of Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.

- b. Final sediment control plan must be consistent with final limit of disturbance as approved by M-NCPPC staff.
 - c. Final forest conservation plan must include an invasive management plan to remove and control Siberian elms and other invasive species, including multiflora rose, oriental bittersweet, and Japanese honeysuckle.
2. Applicant shall place a Category I conservation easement over all retained and planted forest.

DISCUSSION

The 3.07-acre property is located at the southeast corner of Layhill Road and Bonifant Road, which is covered by the Aspen Hill Master Plan. The property is currently developed with a bank. The applicant proposes to retain the bank and construct a childcare facility in addition. There is 0.89-acre of forest onsite and nine large or specimen trees. There is a small pocket of remnant wetlands on-site with associated buffer. The property is within the Northwest Branch watershed; a Use IV/IV-P watershed.

The Board's action on the Preliminary Forest Conservation Plan is regulatory and binding. The Planning Board must act on the Forest Conservation Plan before it finalizes its recommendations on the mandatory referral.

REGULATORY FRAMEWORK

Environmental Guidelines

The applicant submitted and received approval of a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) number 4200716900 on July 24, 2007. The site is not within a Special Protection Area or Primary Management Area.

Forest Conservation

This property is subject to the Chapter 22A Montgomery County Forest Conservation Law, and a Forest Conservation Plan has been submitted for Planning Board approval. All forest conservation requirements are being met on-site through retention and planting. There are 0.89- acres of forest existing on-site, and 0.65-acres of forest will be retained in a Category I Forest Conservation Easement. 0.05 acres of wetland and wetland buffer will be planted and 0.05 acres of forest understory planted. All areas of invasive plants will be removed, including a grove of Siberian Elms.

Stormwater Management

The SWM concept for the proposed use includes two recharge trenches, one in the green area in front of the school along Catoctin Drive, and another within the play area north of the building. Two underground sand filters are proposed under the parking lot to achieve required water quality (WQv) control. The Montgomery County Department of Permitting Services has issued the following advisory on recent SWM concept approvals:

"Maryland Department of the Environment (MDE) regulations require all final sediment control and stormwater management plans approved on or after May 4, 2010 must comply with the most recent changes in the to the Maryland Stormwater Design Manual, After that date, previously approved stormwater management concept plans are no longer valid unless they have been designed to the new standards or have been reconfirmed by the Department of Permitting Services."

Given that the special exception, if approved, must also receive subdivision approval, meeting the cited deadline for grant of sediment control plan approval may be difficult to achieve. Any changes to the SWM concept should not substantively affect the forest conservation plan.

RECOMMENDATION

Environmental Planning recommends approval of the Preliminary Forest Conservation Plan with the conditions above.



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

March 5, 2009

MEMORANDUM

TO: Elsabett Tesfaye
Build Division

VIA: John Carter, Chief
Urban Design and Preservation Division

FROM: Michael Brown
Urban Design and Preservation Division *MB*

SUBJECT: S-2710 - Day Hill LLC, Child Care

The subject site is located near the intersection of Bel Pre Road and Layhill Road in the Aspen Hill Planning Area. *The 1994 Approved and Adopted Aspen Hill Master Plan* encourages the development of child care facilities to meet the needs of Aspen Hill residents.

The Master Plan offers the following design-oriented guidelines for child care facilities:

1. Sufficient open space to provide access to sunlight and suitable play areas
2. Protection of children from excessive exposure to noise, air pollutants and other potentially harmful environmental factors
3. Safe and convenient access including effective automotive and pedestrian circulation
4. Avoid creating undesirable traffic, noise and other adverse impacts upon the surrounding community
5. Consideration of location in employment centers

The special exception site plan, dated May 1, 2007, adequately follows guidelines #1, #2 and #5.

In an effort to enhance the pedestrian circulation addressed in guideline #3, we recommend providing a sidewalk connection from the proposed sidewalk along Catoctin Drive to the proposed building.

Catoctin Drive is the only access for 100+ townhomes units. The current site plan does not avoid creating undesirable traffic impacts, as addressed in guideline #4. We recommend a one-way driveway. This would allow vehicles ease of access at the entrance driveway, avoiding congestion on Catoctin Drive. The applicant could also consider accommodating cross vehicular access with the adjacent bank property to alleviate traffic concerns on Catoctin.

MEMORANDUM

TO: Elsabett Tesfaye, Senior Planner, Build (Development Review) Division

Via: Khalid Afzal, Eastern Transit Corridor Team Leader, Vision (Community-Based Planning) Division *KA*

FROM: Sandy Tallant, Planner Coordinator, Vision (Community-Based Planning) Division *ST*

DATE: July 28, 2009

RE: Board of Appeals Petition No. S-2710, Special Exception Request for a Child Day Care Facility for 158 children at the corner of Bonifant Road and Catoctin Drive, Silver Spring.

Recommendation

Vision (Community-Based Planning) staff concludes that the proposed application is consistent with the Aspen Hill Master Plan and, based on the master plan guidance, staff recommends approval of this application.

Introduction

This special exception requests a child day care facility with a maximum of 158 children on a 1.84-acre, R-200 zoned property, which is a part of Parcel A, Block C located at the corner of Bonifant Road and Catoctin Drive, Silver Spring. The proposed facility will be in a 9,000 sf one-story building with an infant/toddler playground area and a preschool playground area. The two (2) playground areas will total approximately 12,897 square feet. The 52 required parking spaces will be provided, of which 5 are compact car spaces. The maximum number of employees is 25 (22 full-time and 3 part-time).

Master Plan Compliance

The Subject property lies within the Approved and Adopted 1994 Aspen Hill Master Plan and is part of one of the parcels the Plan identified as site #11 - Sandy Spring Bank, (page 56). The Master Plan specifically recommends a child day care facility on the R-200 portion of the property, which is the subject of this application, and provides the following guidance:

"...this Plan would support a special exception on the R-200 portion of the site for a day care center. When the site is developed, the existing trees on the southern portion of the property should be retained, as much as possible.

The site should have access onto Catoctin Drive to provide improved access onto Bonifant Road in either direction. The present access point is very close to the intersection of Bonifant and

Layhill Roads. If a median break is installed on Bonifant Road, then traffic into the bank would be limited to right-in and right-out traffic only on Bonifant Road.” (Page 56)

Additional guidance is given to special exceptions on pages 80-82:

“SPECIAL EXCEPTIONS

To some extent, development in Aspen Hill has occurred in ways unforeseen in the previous Plan. For example, some special exception uses have been approved that are out of clear character and scale with the low-density nature of their residential zone and the surrounding community. This Plan recommends the following guidelines for special exceptions to address the issues of scale and use compatibility.” (Page 80)

The Plan provides guidance for locating future special exceptions as follows:

“Avoid excessive concentrations of special exception and other nonresidential land uses along major transportation corridors. Sites along these corridors are more vulnerable to over-concentration because they are more visible...It is also important in this area to minimize uses that might diminish the safety and reduce the capacity of the roadway by creating too many access points and conflicting turning movements. (Pg 80-81)

Protect major transportation corridors and residential communities from incompatible design of special exception uses. In the design and review of special exceptions, the following guidelines should be followed, in addition to those stated for special exception uses in the Zoning Ordinance:

...C. Close scrutiny should be given to replacing or enhancing the screening and buffering as viewed from the abutting residential areas and along the major roadways.” (Pg. 81)

Conclusion

Based on the master plan guidance, Community-Based Planning staff conclude that the proposed application is consistent with the Aspen Hill Master Plan.



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

August 14, 2009

MEMORANDUM

TO: Elsabett Tesfaye
Build/Development Review Division

FROM: Shahriar Etemadi, Supervisor
Move/Transportation Planning Division

SUBJECT: Special Exception # 2710 KinderCare Learning Center, Kensington/ Wheaton Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject petition by Day Hill, LLC to provide care for up to 158 students and 22 full-time and three part time employees. The site is located in the southwest corner of the Bonifant Road and Catoctin Drive intersection in the Aspen Hill Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following transportation-related conditions for approval of the subdivision plan.

1. The proposed child day care center must be limited to enrollment of 158 students and 22 full time and three part time employees.
2. At the time of subdivision, the applicant must dedicate necessary rights-of-way for Layhill Road, Bonifant Road and Catoctin Drive and truncation areas at the intersections.
3. At the time of subdivision, the applicant must commit to construction of a new sidewalk that is five foot wide, two feet from the property line and 8-foot wide landscape panel with planted trees along the curbside.
4. At the time of subdivision, the applicant must commit to construction of dual handicapped ramps with receiving ramps and provide level sidewalks across the driveway access points on Catoctin Drive.

5. At the time of subdivision, the applicant must identify and gain approval from Montgomery County Department of Transportation (MCDOT) and M-NCPPC for providing non-auto amenities to meet the PAMR requirements of new trip mitigation in the Kensington/Wheaton Policy Area.

DISCUSSION

Site Location, Vehicular/Pedestrian Access

The subject property is located within the southeast quadrant of Layhill Road (MD 182) and Bonifant Road. The applicant proposes to subdivide the Sandy Spring National Bank property to construct and operate a new day care facility on the newly created eastern parcel. The day care site will gain access from Catoctin Drive to the east. There will be two access points, one as ingress and one as an egress only access. Catoctin Drive is a non-through street and all residents and daycare users must enter or exit Bonifant Road to travel to their destinations.

Pedestrian access will be provided by sidewalks on all surrounding streets and lead-in sidewalks to the site from Catoctin Drive.

Staff finds that with the conditioned improvements, the proposed access for vehicular and pedestrian movement surrounding the site and on Catoctin Drive to be safe.

Master Plan Roadway and Pedestrian/Bikeway Facilities

The 1994 approved and adopted Aspen Hill Master Plan includes the following master-planned roadways, pedestrian and bikeway facilities:

1. Layhill Road (MD 182) as a four lane divided Major Highway (M-16) with bike lanes and sidewalks on a 150-foot wide right of way.
2. Bonifant Road as a two lane Arterial with 80-foot wide right of way and bike lanes.
3. Catoctin Drive functions as a secondary residential street with 60-foot right of way and sidewalks

Adequate Public Facilities Ordinance Review

The applicant was required to submit a traffic study for evaluating the impact of the proposed daycare at this location. The proposed day care operation is expected to generate a total of 61 trips in the morning and 68 trips in the evening peak hour of weekday peak periods. Of those, 17 morning and 8 evening peak hour trips are expected to be "pass by" trips and the remaining trips are new trips. M-NCPPC provided the applicant with a scope of work as how the traffic study should be conducted. In that scope, staff identified three signalized intersections of Layhill and Bonifant Roads, Layhill Road and Middlevale Lane, and Bonifant and Notley Roads. In addition, the consultant was instructed to evaluate the intersection of Bonifant and Catoctin Drive, an unsignalized intersection.

Site generated trips were added to existing and background traffic (trips from approved but un-built developments) to determine the impact of total future traffic on area transportation system. The result of the study is shown in the following table.

SUMMARY OF INTERSECTION CAPACITY CALCULATIONS

Intersection	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD182 and Middlevale Lane	1006	804	1022	839	1029	849
MD 182 and Bonifant Road	963	1138	1041	1249	1057	1271
Bonifant Road and Notley Road	1030	737	1039	770	1040	772
Bonifant Road and Catoctin Drive	653	596	665	621	692	674

As shown in the above table, the weekday morning and evening peak-hour capacity analysis presented in the traffic study/supplemental transportation analysis indicated that all intersections will operate within the acceptable congestion standard of 1475 Critical Lane Volume for the Aspen Hill Policy Area.

Queuing Analysis

Staff requested the applicant to conduct a queuing analysis to determine if the traffic on northbound Catoctin Drive exiting onto Bonifant Road will potentially experience excessive delay. The applicant provided supplemental data for this purpose covering the AM and PM peak periods. The study indicates that the maximum queue of four to five vehicles on Catoctin Drive occurred on four occasions. During all other times, no more than two vehicles were observed to be queuing at the intersection. Most traffic turning right or left experienced no major delays.

Adding site trips to the existing traffic on Catoctin Drive will increase the traffic by 50% to 65 vehicles in the morning peak hour and 155% in the afternoon peak hour to 64 vehicles. The vehicles queuing in the future will still be reasonably low with no significant delay during most of the AM and PM peak periods.

Policy Area Mobility Review

The subject proposal will be required at the time of subdivision to identify and gain approval from MCDOT and M-NCPPC for projects that would meet the requirement of PAMR trip mitigation. Currently, the PAMR trip mitigation requirement for the Aspen Hill Policy Area is 20% of the total new trips, which would equal 12 vehicle trips (based on the PM peak period trip generation). This requirement may change at the time of subdivision in which the applicant must meet that requirement. The applicant has proposed to build sidewalks on the north side of Bonifant

Road. Under the current LATR and PAMR Guidelines, 2,400' feet of new sidewalk would be required to mitigate 12 peak hour vehicle trips. However, this proposal or others suggested by M-NCPPC or MCDOT staff will be discussed, and the best mitigating measures to meet the PAMR requirements will be determined at the time of subdivision plan.

SE:CE:tc

cc: Larry Cole
Cathy Conlon
Robert Kronenberg
Khalid Afzal
Corren Giles
Greg Leck
C. Craig Hedberg
Phil Perrine

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

MEMORANDUM

Date: August 26, 2008

To: Elsabett Tesfaye, Planner Coordinator
Development Review Division

From: Patrick Butler
Development Review Division *PB*

Subject: Board of Appeals Petition No. S-2710

The subject property consists of a recorded lot split zoned R-200 and C-T. The Child Day Care facility for 158 children will be located on a portion of the lot zoned R-200. Pursuant to Chapter 50-20, the property as identified in Board of Appeals Petition No. S-2710 will be subject to preliminary plan review and subsequent recording of a plat in the Montgomery County Land Records Office in compliance with Chapter 50 of the Montgomery County Code.

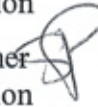
Preliminary plan review and plat recordation are required prior to issuance of a building permit.




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

MEMORANDUM, Site Plan Section

To: Elsabet Tefaye, Senior Coordinator
Development Review Division

From: Sandra Pereira, Senior Planner 
Development Review Division

Via: Robert Kronenberg, Supervisor 
Development Review Division

Subject: S-2710, KIDDIE ACADEMY, LAYHILL

Date: August 31, 2009

The subject site is located at the southeast corner of the intersection of Layhill Road (MD Rte 182) and Bonifant Road in the Aspen Hill Area. The special exception S-2710 proposes to build a Child Day Care Facility for 158 children on a 1.84-acre, R-200 zoned property.

RECOMMENDATION

Site Plan Staff recommends approval of the landscape and lighting plans for Application S-2710, Kiddie Academy, Layhill. The Applicant has worked with Staff to address all of Staff's recommendations and conditions.



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

MEMORANDUM

TO: Elsabett Tesfaye, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Environmental Planning

DATE: September 8, 2009

SUBJECT: Board of Appeals Petition S-2710
Kiddie Academy

STAFF RECOMMENDATION:

Environmental Planning staff recommends transmittal of the Special Exception with the following comments

DISCUSSION

The 3.07-acre property is located at the southeast corner of Layhill Road and Bonifant Road, which is covered by the Aspen Hill Master Plan. The property is currently developed with a bank. The applicant proposes to retain the bank and construct a childcare facility in addition. There is 0.89-acre of forest onsite and nine large or specimen trees. There is a small pocket of remnant wetlands on-site with associated buffer. The property is within the Northwest Branch watershed; a Use IV/IV-P watershed.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law, and a preliminary Forest Conservation Plan has been recommended for approval with conditions as a separate PB item. There are 0.89- acres of forest existing on-site, and 0.65-acres of forest will be retained in a Category I Forest Conservation Easement. 0.05 acres of wetland and wetland buffer will be planted and 0.05 acres of forest understory planted. All areas of invasive plants will be removed, including a grove of Siberian Elms.

This plan does not propose to remove any trees having a diameter measured at 4.5 feet above the ground of:

- (1) 30 inches or more, or
- (2) 75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.

In addition, there are no trees, shrubs, or plants determined to be rare, threatened, or endangered under:

- (1) The federal Endangered Species Act of 1973,
- (2) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code of Maryland, and
- (3) COMAR 08.03.08;

Also, there are no trees that:

- (1) Are part of an historic site,
- (2) Are associated with an historic structure, or
- (3) Have been designated by the State or the Department as a national, State, or county champion tree.

Therefore no waiver of any of the provisions of Chapter 22A, Forest Conservation Law, is required.

Environmental Guidelines

An area of remnant wetlands is located on the property. This wetland is the headwaters of a partially piped stream, which outfalls on the east side of Catoctin Drive. All unforested areas of wetlands and wetland buffers will be planted with a compatible mix of species. All forest and wetland buffers will be covered by a Category I forest conservation easement, except for areas of WSSC storm drain easements.

Green Building

This project will not need to comply with County Council Bill 17-06, Montgomery County Green Buildings Law.

Findings for Grant of a Special Exception

A special exception requires findings based a preponderance of the evidence of record that the proposed use “will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone” per Chapter 59-G-1.21a-6. Staff finds nothing inherent in the operation of the proposed use that would be considered objectionable in the areas cited above, so long as County regulations regarding noise (Chapter 31B) and trash/dumpster pickup (Chapter 48-21) are followed.

Stormwater Management

The SWM concept for the proposed use includes two recharge trenches, one in the green area in front of the school along Catoctin Drive, and another within the play area north of the building. Two underground sand filters are proposed under the parking lot to achieve required water quality (WQv) control. The Montgomery County Department of Permitting Services has issued the following advisory on recent SWM concept approvals:

“Maryland Department of the Environment (MDE) regulations require all final sediment control and stormwater management plans approved on or after May 4, 2010 must comply with the most recent changes in the to the Maryland Stormwater Design Manual, After that date, previously approved stormwater

management concept plans are no longer valid unless they have been designed to the new standards or have been reconfirmed by the Department of Permitting Services. "

Given that the special exception, if approved, must also receive subdivision approval, meeting the cited deadline for grant of sediment control plan approval may be difficult to achieve.

Community

**Statement of opposition
from the Beacon Place Homeowners Association (HOA)
to the Dayhill Daycare Center proposal
Case No. S-2710**

Date: August 12, 2009

To: Montgomery County Planning Board
Development Review Division
8787 Georgia Avenue, Suite 200
Silver Spring, MD, 20910

From: Beacon Place HOA Board Members, representing Beacon Place HOA



Maria Shannon, Interim President



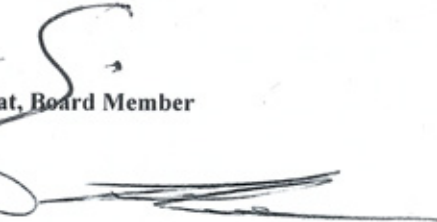
Vera Brodus, Board Member



Stefanos Ghebrehawariat, Board Member



Leonor Rivera, Board Member



Peter Zara, Board Member

Introduction:

This document constitutes the basis of a joint effort of the residents of the Beacon Place Home Owner's Association (HOA) as represented by the Beacon Place HOA board members, to officially object to the proposed daycare center project filed by Dayhill LLC to, at present, be operated by Kiddie Academy.

Background:

Our townhome community is located just past the intersection of Layhill Road and Bonifant Road on Catoctin Drive where Catoctin Drive then branches off with Catoctin Terrace and Catoctin Court. Dayhill LLC is proposing to place the two sole access points (one entrance and one exit) to this facility off of Catoctin Drive, a road for which the only purpose to date has been to serve as an entrance and exit to our residential neighborhood.

Summary of this HOA's objection:

Despite a strong lack of interest in this community on the part of the Applicant since the project proposal was first formulated, we do not want to be perceived as contesting this project out of unfounded fears or random dislikes. Our community has tried to be reasonable, and has initiated approaching the Applicant through the People's Counsel to arrange a face-to-face discussion to achieve mutually agreeable goals. Our HOA would be amenable in principle to the presence of a daycare center on the plot of land under consideration; however, our residents are entirely against the entrance being located on Catoctin Drive. The real opposition to this project

stems from the scale of the project (158 children on site) as well as traffic and other impacts associated with the entrance being located in a contained, difficult to access location.

The sale of the property to the applicant from the current owner, Sandy Spring Bank, is contingent on this Special Exception being approved. It is still the HOA's suggestion that an arrangement be reached with the Sandy Spring Bank to allow for a joint entrance/exit for both the Bank and Daycare center facilities off of Layhill Road. These are both commercial facilities and a joint entrance would provide the most compatible use of space without interfering with already difficult residential traffic patterns on Catoctin Drive. If this outcome were to be achieved, the Beacon Place HOA would fully support this project and work with the applicant to achieve goals of mutual interest as already expressed to the People's Counsel.

Main arguments:

A poll of our community residents currently shows that over 95% oppose the project as stated in the current proposal. As already stated, the main objection is the excessive increase in traffic flow in our neighborhood mostly during peak hours generated by such a large facility on such a small piece of land, for the use of such a large contingent of children.

It is the opinion of many residents that the Dayhill Daycare center that is being proposed will cause an unacceptable increase in the level of traffic in our neighborhood. This will not only be a heavy burden on commuters during rush hour, but will be a dangerous traffic situation for the residents as well as for the children of the day care center.

Up to now, the only purpose of Catoctin Drive (where the double entrance to the Daycare center is proposed to be located), has been to serve our residential area. Layhill Road and Bonifant Road are major thoroughfares, and traffic will only be increasing in the coming years with additional housing being built, and the Inter-County Connector exit located at Layhill and Norbeck, currently under construction.

It is already very difficult to make left hand turns from this residential street on to Bonifant Road. During rush hour, this congestion is even worse. Adding 158 cars in the confined space of this residential road and the daycare internal parking lot within peak traffic hours will undoubtedly cause an untenable traffic quagmire. There are also buses stopping on Catoctin Drive/Court during school hours (coinciding with rush hour in the mornings) to pick-up and drop off children of all ages from elementary/middle/high school. Furthermore, this bus stop that accommodates multiple buses is located directly across from the proposed exit, which undoubtedly creates a serious safety risk to both children and Daycare center patrons.

Traffic Analysis concerns:

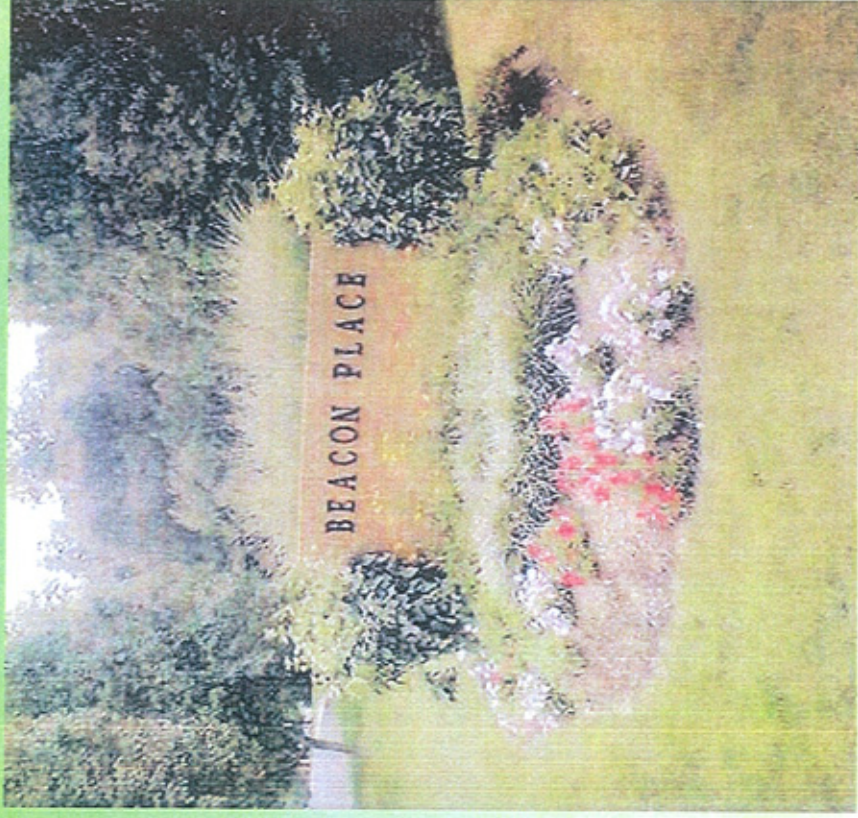
Several methodological inconsistencies with current M-NCPPC's LATR guidelines have been noted and brought to the attention of the Traffic Division staff. To date, these concerns have not yet been addressed. It is the opinion of this HOA that the current traffic study does not capture the current and future traffic patterns of this area, including the impacts associated with the Inter-county connector that is currently not included in this traffic study.

Conclusion:

Based on all of the above, this HOA officially objects to the proposed daycare center project filed by Dayhill LLC to, at present, be operated by Kiddie Academy and respectfully requests that the Montgomery County Planning Board deny the Special Exception that is being requested for this project.

Attachments: Presentation from March 2009 for M-NCPPC technical staff is enclosed.

Beacon Place – A quiet, out-of-city neighborhood



Beacon Place Daycare Center Committee

Our community today

School bus stop



Community entrance



- The community includes 108 residences
- A high proportion (about 50%) of residences include school-age children

This is a community with a unique entrance / exit off of Catoctin Drive, currently ensuring only local traffic in the neighborhood.

Current traffic pattern

Sunday, 03/01/09, around 11:25am



Junction between Layhill Rd and Bonifant Rd during off-peak hours



A traffic instance at the entrance of the community

- Most traffic exiting Catoclin Drive makes already difficult left-hand turns

What would happen if 150 cars were added to this already congested traffic pattern during peak hours?

What some fellow residents want you to know about our lives here

Dave & Anne Altheide, 12 years in the neighborhood:

"It is off the beaten path – there is no through-way traffic. It's a quiet neighborhood. It's a small-size townhouse community"

Janice Walden, 10 years in the neighborhood:

"It is out of the way. It's quiet. It's safe for people with young children because it is off the main road"

Lorena, Ramirez, 7 years in the neighborhood:

"It's a peaceful and quiet neighborhood. I like the layout with all the landscaping and the green. It is not over-crowded with townhouses"

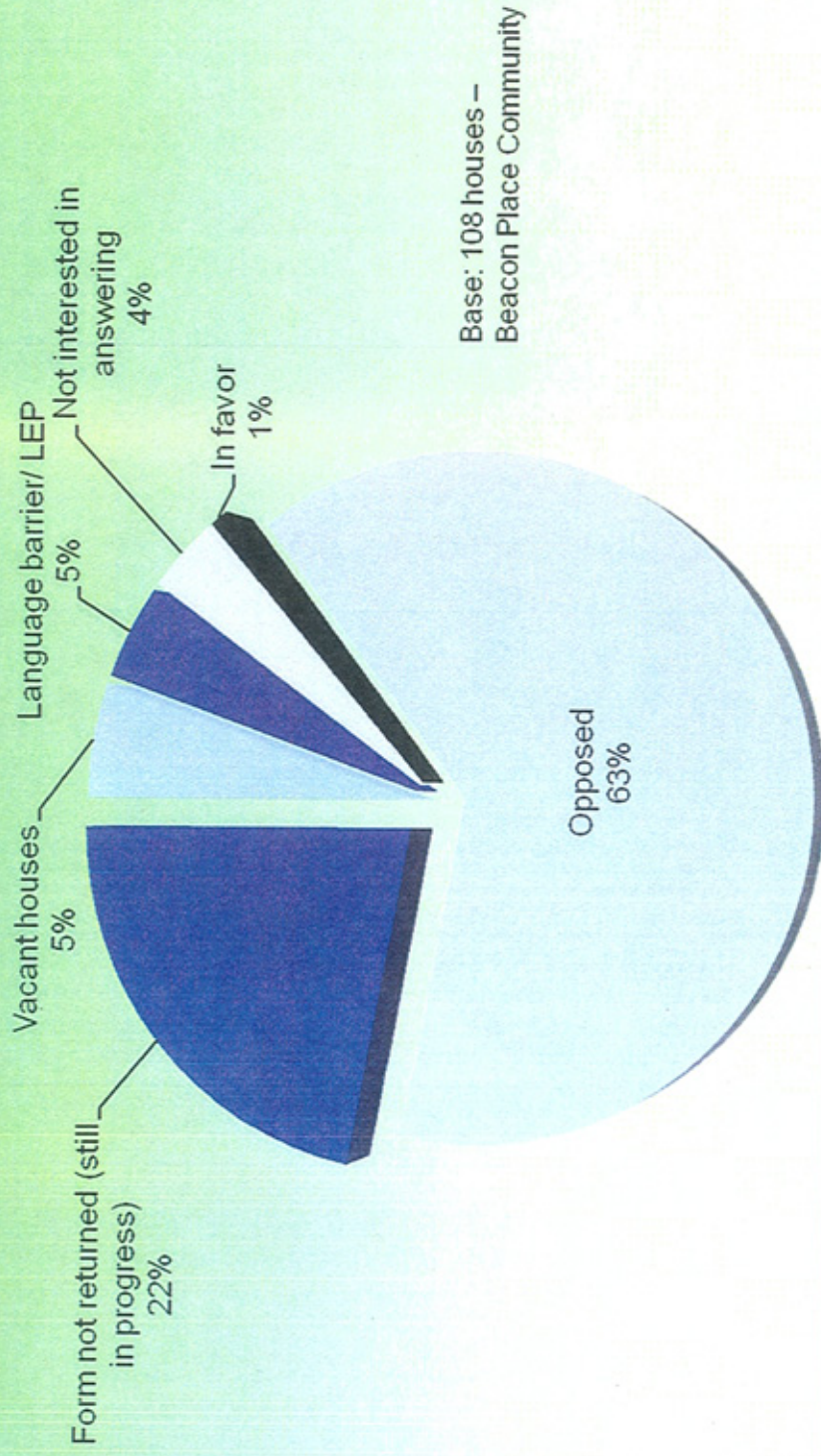
Blanca Fuyertes, 13 years in the neighborhood:

"It's a quiet out-of-the-city neighborhood. It is very peaceful and it is safe even when my daughter is waiting for the school bus [on Catoclin Drive]"

Do not let this project put an end to our way of community life as we know it!

Community survey

In the door-to-door community inquiry to assess neighborhood opposition to the Daycare Center, these are our findings:



Of all residents who provided input 98.6% expressed opposition to the Daycare Center project.

Examples of similar daycare centers in MD, VA, and PA (1)



NOT IN RESIDENTIAL AREA



NOT IN RESIDENTIAL AREA

The majority of daycare centers of this size are not built in residential areas.

Examples of similar daycare centers in MD, VA, and PA (2)



NOT IN RESIDENTIAL AREA



NOT IN RESIDENTIAL AREA

The majority of daycare centers of this size are not built in residential areas.

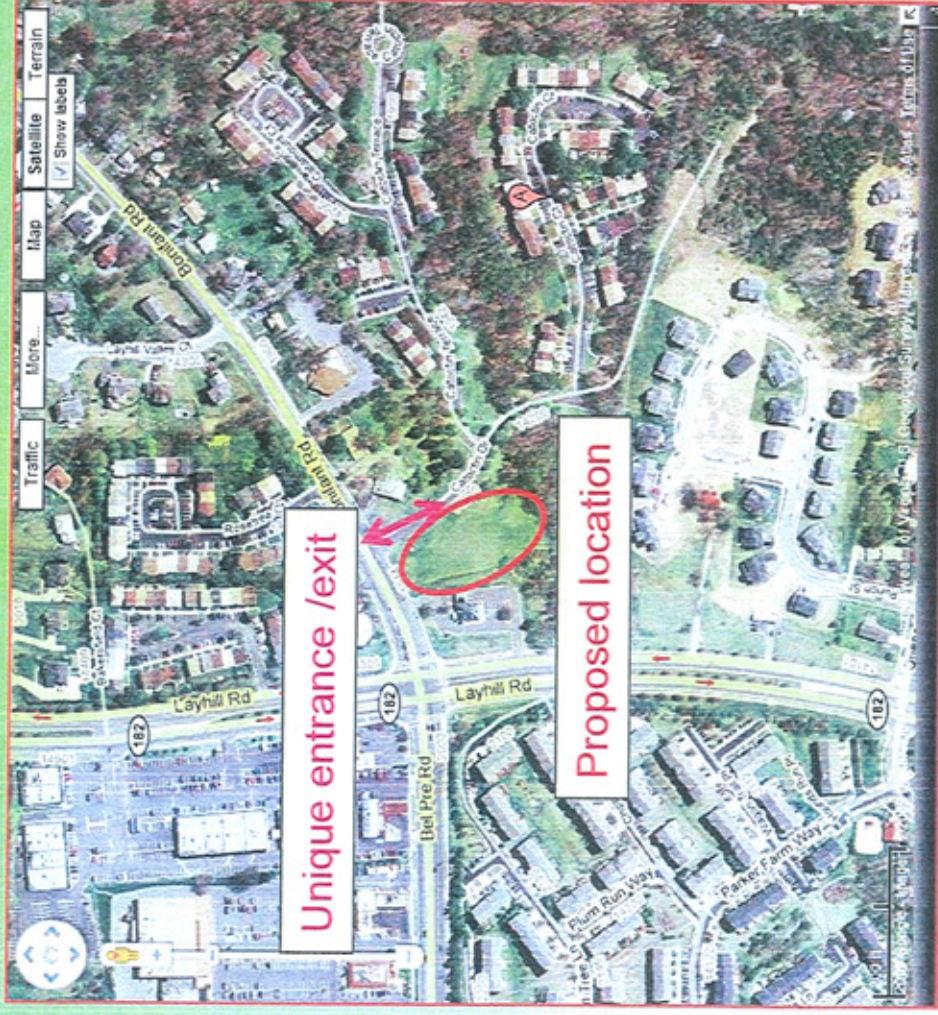
Examples of similar daycare centers in MD, VA, and PA (3)



IN RESIDENTIAL AREAS

Those daycare centers located in residential areas have a clearly defined traffic configuration allowing more than one driving alternatives.

Proposed Special Exception



- IN RESIDENTIAL AREA
- UNIQUE ENTRANCE/ EXIT SHARED WITH EXISTING COMMUNITY
- NO ALTERNATIVE TRAFFIC CONFIGURATION
- Ratio of children per acre is barely met in the proposed project stretching the upper limits of what is reasonable on this plot of land (proposed 81 per acre vs. 87 per acre by regulation)
- Parking barely meets 6 to 1 ratio when factoring staff parking.

In this case there are no driving alternatives and cumulative impacts should be taken into consideration.

Traffic concerns

The intersection of Bonifant Road and Layhill Road is a twelve-lane intersection. During the morning and the evening rush-hour traffic backs up on Bonifant Road beyond our exit from Catoctin Drive making it nearly impossible to make a left turn. Furthermore, Layhill Road does not have a right on red sign adding to the already continuous flow of traffic.

There is only one exit to this residential neighborhood, currently shared by 108 families. Adding more traffic (to transport 150 children to the daycare) is going to greatly impact the current traffic situation posing danger to the community and increasing possible traffic accidents together with jeopardizing pedestrian safety.

The ICC is coming in less than a mile from the community and it can only add to the congestion



Our exit has already difficulties coping with our neighborhood traffic. More traffic will only contribute to a bottleneck effect, trapping us in our own neighborhood.

Testimonies of safety concerns

- **CHILD SAFETY:** Currently, school buses drop and pickup children on Catoctin Dr., directly across from the proposed exit. Because children congregate around the bus stop during rush hour (playing and running directly in the street) there is an increased risk of accidents from daycare center traffic.



- **EMERGENCY EVACUATION:** Linda Yancey, member of Layhill East Civic Association since 1983, states that several fatal accidents at this particular site required medevac helicopters to appear a minimum of four times.



- **INCREASING ACCIDENTS:** Sherilyn Payne, 1949 Catoctin Terrace:

"It is already very hard to exit this complex. I have been hit by another car trying to exit and the additional traffic will only make it a lot harder to come and go"



In case of an accident, the townhomes will be blocked indefinitely with no other exits.

Impact on our community

- The proposed location of the daycare center sign will completely annihilate our community's identity
- By attracting outsiders/traffic to our neighborhood our children will end up being more confined indoors
- Outsiders passing by and noise levels will increase significantly – community will not be quiet and peaceful anymore.
- Bringing outsiders in the community will increase the number of strangers using our playground area



Community's playground area

A number of residents have declared that they would consider moving out of the neighborhood if these changes take effect.

Impact on our community

- Deforestation will leave our green community with a concrete parking lot at its entrance to look at
- Trash cans will be on our side of the street in plain sight
- Increased levels of visitors will result in more litter
- Already difficult on-street neighborhood parking will be worsened due to Daycare Center patrons



Difficult street parking

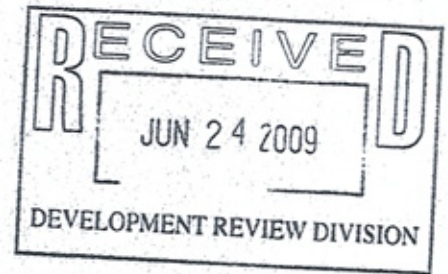
A number of residents have declared that they would consider moving out of the neighborhood if these changes take effect.

Conclusions

- The Beacon Place community has a unique entrance that is already congested during peak morning and evening hours due to its close proximity to the twelve-lane junction between Layhill Rd., Bonifant Rd., and Bel Pre Rd.
- The proposed daycare center will completely jam the greater area of the community and bottleneck Beacon Place. This will end the way of community life as residents know it.
- Preliminary analysis indicates that the proposed location for the daycare center is unusual, compared to the locations of similar centers. Most of them are situated out of residential areas. Those that are located in residential areas rely on a more well-defined traffic configuration that offers multiple driving alternatives.
- A number of very real safety concerns directly impacting the community stem from the project. Among them are child safety, degeneration of the community character, increased likelihood of automobile accidents, and problems in emergency evacuation. The proposed project really stretches the limits of several regulations, and the cumulative impacts of these add up to a very large impact.
- Many residents consider moving out of the community if the project receives green light. The majority of homeowners have voiced their strong opposition to the project in written form.

Applicant: Additional Information

DAY HILL LLC



June 19, 2009

Via: US Mail

Mrs. Dolores Ustrell
Beacon Place Community Association
89 Catoctin Court
Silver Spring, Maryland 20906

Re: Kiddie Academy
Montgomery County, Maryland

Dear Mrs. Ustrell:

It was a pleasure meeting with you and the Beacon Place Community Association on May 21, 2009. During that very positive and productive meeting between the HOA and the Daycare Operator took place. The Daycare Operator wants to be a good neighbor and a part of your community as which was interested in addressing your concerns.

At the meeting the Beacon Place HOA requested the removal of the monument sign at the entrance of Daycare site on Catoctin from our plans. We and the operator will concede to the request as well as scheduling trash removal as to not be a nuisance to the community. Site lighting will also be scheduled according to your request.

The Operator truly wants to become a part of the neighboring community.

With regards to the moving the access to Layhill Road we have met with the Bank property owner as they adamantly denied our request stating it will greatly interfere with their business. The Engineering firm of Macris Hendricks also informed us of the following: Access from Layhill Road to the Daycare site will not work primarily due to the interruption of traffic flow on the bank site. A drive through lane cannot be accommodated on the Daycare site because of the 9 foot grade difference from the bank site and the presence of the wetland buffer at the south end of the site.

To date I have not received the HOA's detail request regarding the illumination sign. Please forward that information and we will see what we can do for you.

P.O. Box 10, Cabin John, Maryland 20818
(301) 320-7322 Fax (301) 320-6113

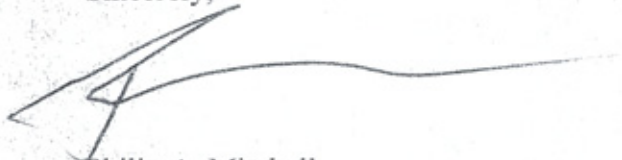
We are anxious to become an asset to your community and strive to be a good neighbor.

As a member of a small community ourselves we constantly strive to address any concerns our neighbors have with any of our projects.

You and the Beacon Place Community Association will come to appreciate and rely on the new Daycare facility in this changing economy.

If you have any further questions, please feel free to contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Philip A. Mitchell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Philip A. Mitchell

CC: Elsabet Tesfaye, Park & Planning
Marty Hutt, esq

Tesfaye, Elsabet

From: Hutt, Martin J. [mjhutt@lercheary.com]
Sent: Monday, June 22, 2009 11:30 AM
To: Tesfaye, Elsabet
Subject: Kidde Academy play scheule and letter to community
Attachments: img-622100601.pdf

<<img-622100601.pdf>>

June 22, 2009

Elsabet:

Attached is the information requested from the applicant (S-2710) during our meeting of last week concerning the outdoor play schedule and letter to the community regarding the issues they raised with Phil Mitchell.

A question was asked as to how the children are dropped off by parents.

Each parent must bring their child into the classroom in the building.

No parent is allowed to stop in front of the building and drop off their child. Each parent will park their car and walk their child into the classroom.

If the staff has any further questions as to the operation of the day care facility, please ask.

The message is ready to be sent with the following file or link attachments:

img-622100601.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Community Begins Here.®

CHILD CARE LEARNING CENTERS

Silver Spring
Play Schedule

<u>TIME</u>	<u>AGE</u>	<u>Capacity</u>
8:30-9:15 a.m.	2 yr	24
9:45-10:45 a.m.	4 yr	40
10:15-11 a.m.	Toddler	18
10:30-11:15 a.m.	Infant	6
10:40-11:20 a.m.	3 yr	40
11:00-11:45 a.m.	School-age (if school is out)	30
2:00-3:00 p.m.	School-age	30
3:45-4:45 p.m.	Infant	6
	4 yr	40
	3 yr	40
4:15-5:00 p.m.	2 yr	24
4:45-5:30 p.m.	Toddler	18