



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

**Staff Report: Limited Site Plan Amendment 82006034A, Children's Manor  
Montessori School (formerly Traville Day Care)**

ITEM #: 09

MCPB HEARING DATE: October 8, 2009

REPORT DATE: September 28, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RAK*  
Robert Kronenberg, Supervisor *RAK*  
Development Review Division

FROM: Joshua Sloan, Coordinator *JS*  
Development Review Division  
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**APPLICATION**

**DESCRIPTION:** MXN zone; 1.68 acres; amendment to change the use to include both a day care facility and private educational institute; located at the southwest quadrant of the intersection Darnestown Road and Traville Gateway Drive; Gaithersburg Master Plan

**APPLICANT:** Children's Manor Montessori School

**FILING DATE:** September 1, 2009

**RECOMMENDATION:** Denial

**EXECUTIVE**

**SUMMARY:** This amendment would allow the center to function as a private school as well as a daycare by adding "private educational institution" to the allowed use on site. Although minor in nature, any change to an approved use or development standard is brought to the Planning Board as a limited site plan amendment in order to ensure proper public notification. Staff finds that this use, although allowed by the MXN zone, is not allowed due to stipulations of the rezoning application and associated diagrammatic plan.

## SITE DESCRIPTION

### Vicinity

The subject site, delineated "Parcel L", is located on Traville Gateway Drive approximately 500 feet south of Darnestown Road. Adjacent to the site are the Gardens of Traville senior living center and the Human Genome Sciences headquarters. The site is in the vicinity of numerous office, housing, and commercial uses.



*Vicinity Map*

### Site Analysis

The subject site is currently constructed per site plan 820060340 as a day care facility; however the Applicant filed a use and occupancy permit for two separate uses including a day care and public educational institution. The site is currently served by public water and sewer. There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features on site.



## **PROJECT DESCRIPTION**

### **Previous Approvals**

A Diagrammatic Plan and an accompanying rezoning application G-718 of this and other properties for the MXN zone, was approved on July 2, 1996. This zoning approval specifically limited the total amount of development by type and the allowed uses for each section of the diagrammatic plan. The subject property is part of the area delineated "R&D-1", which was specifically limited to "Non-Residential uses (limited to those allowed in the R&D zone)". A 12,000 square foot day care center was also approved by the diagrammatic plan; it is use allocated for this building square footage that is the subject of this site plan amendment application.

Preliminary Plan 119970220 was approved on April 23, 2001 for 572,500 square feet of office and research and development uses. This approval revised previous approvals regarding phasing, "Pay-and-Go" expedited development, and traffic mitigation and finalized the conditions of approval for the entire Traville subdivision that included 1,322,500 million square feet of "retail, office, and R&D development". This approval specifically conditioned approval on "the applicant abiding by and complying with the conditions of approval of the diagrammatic plan under zoning application G-718".

Site plan 820060340 was approved on December 6, 2007 for a 12,000 square foot day care center, final water quality plan, and a waiver of 14 parking spaces. This approval specifically conditioned that the development must "comply with the binding elements listed in the zoning map amendment (G-718) and associated diagrammatic plan" as well as the previous preliminary plan approvals.

### **Proposal**

The Applicant requests that "private educational institution" use be approved in addition to the existing approved "day care center" use for this site plan. While the definitions are similar, there are specific differences related to Maryland Statutes and they are separately listed in the zoning ordinance.

- "Child day care facility: A dwelling or building in which child day care services are provided in accordance with all applicable state and county laws and regulations."
- "Educational institution, private: Every private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten, or nursery school instruction.... "

## **ANALYSIS AND RECOMMENDATION**

Our recommendation is based on our review of the rezoning that occurred on this property through Local Map Amendment (LMA) No. G-718 and the corresponding diagrammatic plan, which specified the land uses allowed on the property and included textual stipulations that were binding on the applicant and all subsequent property owners. To ensure that we are correct in

our interpretation, staff reviewed the M-NCPPC technical staff report, the Planning Board's recommendation to the County Council, the original applicant's Land Planning Report, the hearing examiner's recommendation to the Council, the Council's opinion, and the signed and approved copy of the original diagrammatic plan mylar. In all of these documents, the terms "private educational institution" or "school" (or any approximation) do not appear in any discussion of the proposed uses that were to be allowed as part of the LMA.

In 1996, the subject property, along with many others in the Traville tract, was rezoned by the County Council from the R200 and R200/TDR to the MXN zone. Rezoning to the MXN zone requires that the local map amendment application include a diagrammatic plan that has associated findings and conditions of approval. One specific limitation set forth in the diagrammatic plan was that non-residential uses in those areas zoned R&D are "limited to those allowed in the R&D zone". The R&D zone does not allow private educational institutions, either as a permitted or a special exception use. Therefore, we find that the only recourse for obtaining a use and occupancy permit for a private education institution is to amend the diagrammatic plan via the development plan amendment process prescribed by section D-1.7 of the zoning ordinance.

Staff recommends denial of site plan amendment 82006034A, Children's Montessori School to include a private educational institution as an additional use for the site.

## **APPENDICES**

- A. Diagrammatic Plan Detail from the Land Use Table, Highlighted
- B. Preliminary Plan Opinion
- C. Site Plan Opinion



# Land Use Statistics

Appendix A

Land Use*	Types of Units	Floor Area Square Feet (sf)	Res. sf % of Total sf	Land Area (acres)	Density (FAR)	D U
* R&D - 1		1,048,600		58	0.42	
* R&D - 2		137,400		13	0.24	
VC - Non-Residential		70,000		14		
- Housing / Apartments		234,000	10.4		0.54	
- Community Facilities		24,000				
CC - Lodging		220,000		24	0.21	
P - Park				13		
Shady Grove Road				9		
H-1 Garden Apts.		208,000	9.2	24	0.20	2
H- 2 Midrise/Garden Apts. Townhouses.		316,000	14.0	37	0.20	
TOTALS		2,258,000	33.6	192	0.27	

- \* R&D Non-Residential uses (limited to those allowed in the R & D zone)
- VC village center
- CC conference center and health club
- H housing

## TEXTUAL STIPULATIONS

1. Phasing: Development will proceed in response to market conditions. However, in order to meet the intent of the MXN Zone and the Master Plan to create a mixed-use neighborhood, the following stipulations will apply:

- At least 25% of the ride-share to commu
- At least 12% of the

**Action:** Approved Staff Recommendation

**Motion** of Comm. Bryant, seconded  
by Comm. Perdue with a vote of 4-0;  
Comms. Bryant, Hussmann Perdue and  
Wellington voting in favor  
Comms. Holmes absent

**MONTGOMERY COUNTY PLANNING BOARD****OPINION**

Preliminary Plan 1-97022R  
NAME OF PLAN: TRAVILLE

On 11/30/00, TRAVILAH PARK DEVELOPMENT CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the MXN zone. The application proposed number of lots (will be determined at Site Plan) on 192.2 acres of land. The application was designated Preliminary Plan 1-97022R. On 03/08/01, Preliminary Plan 1-97022R was brought before the Montgomery County Planning Board for a public hearing to request to revise the previous conditions of approval for Preliminary Plan no. 1-97022 to increase the amount of approved development and establish applicant's participation in a proposed Transportation Management Organization (TMO). At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97022R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97022R.

**Comments:** On September 11, 1997 the preliminary plan was originally presented to the Planning Board for consideration. The Board, at that hearing, approved only a portion of the development due to the limited staging ceiling available in the R&D Policy Area. The amount of development approved by the Board at that hearing accounted for 750 Multi-Family Dwelling units and 750,000 square feet, of the 1.3 million square feet, of Retail, Office and R&D development. In January 1999 the Planning Board amended the approved preliminary plan to include a Phasing Schedule and Extension of the Validity Period for the plan. The applicant is requesting this revision to the preliminary plan to seek approval of the remaining development submitted under the original preliminary plan application. The remaining amount of development under this application is 572,500 square feet of Office and R&D. The applicant filed this request pursuant to the Annual Growth Policy Alternative Review Procedures for Expedited Development Approval ("Pay-and-Go"). This additional development is allocated to Phase I and Phase II of the revised conditions. The revised conditions also include a requirement for participation in the Transportation Management Organization.



**Staff Recommendation:** Approval of an Additional 572,500 Square Feet of Office and R&D Development Pursuant to the FY2001 Annual Growth Policy Alternative Review Procedures for Expedited Development ("Pay-and-Go") and Establishment of the Applicant's Participation in the Transportation Management Organization (TMO), Subject to the Revised Conditions:

- (1) Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of 750 multi-family dwelling units and 1,322,500 square feet of retail, office and R&D development. The applicant is to pay to the Montgomery County Department of Finance the expedited development approval excise tax for the additional 572,500 square feet of office and R&D development prior to receipt of building permits for that portion of the development
- (2) Applicant to enter into a traffic mitigation agreement with the Montgomery County Department of Public Works and Transportation and M-NCPPC to participate in the Transportation Management Organization (TMO) and abide by the goals set forth in Greater Shady Grove Transportation Management District and achieve a desirable overall performance goal in the order of a 25% reduction in the total peak hour traffic generated by the Traville property without a Transportation demand program, transit use, or ride share the requirements under the Diagrammatic Plan Amendment as stipulated in the Transportation Planning Division memorandum dated March 1, 2001 (revised March 5, 2001)
- (3) Applicant shall pay their pro-rata share of the developer's participation cost in the Montgomery County Department of Public Works and Transportation's (MCDPW&T) CIP Project, "Spur Road"
- (4) Record plats for this large scale residential and mixed commercial/employment development may be recorded in stages that allow for a nine year validity for the preliminary plan based on the following phases

Phase I: January 1, 1999 to January 1, 2003 plats must be recorded for the minimum of 250 multi-family dwelling units and a minimum of 536,250 square feet of mixed commercial/employment development

Phase II: January 1, 2003 to January 1, 2005 plats must be recorded for an additional 250 multi-family dwelling units and an additional 536,250 square feet of mixed commercial/employment development

Phase III: January 1, 2005 to January 1, 2008 record plats must be commercial/employment development recorded for the remaining 250 multi-family dwelling units and the remaining 250,000 square feet of

- (5) The applicant is to continue to coordinate with MCDPW&T in developing a roadway improvement project addressing the traffic safety issues currently existing along Darnestown Road (MD 28) in front of the Travilah Square Shopping Center
- (6) The validity of the preliminary plan is dependent upon the applicant abiding by and complying with the conditions of approval of the Diagrammatic Plan under Zoning Application G-718
- (7) This Preliminary Plan and the Adequate Public Facilities (APF) Review will remain valid as long as the applicant abides by the phasing schedule outlined in Condition #4 above
- (8) All applicable previous conditions of the approved preliminary plan as contained in the Planning Board's opinion dated November 11, 1997 remain in full force and effect





# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 07-112  
Site Plan No. 820060340  
Final Water Quality Plan No. 820060340  
Traville Day Care  
Date of Hearing: June 7, 2007

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION

WHEREAS, pursuant to Division 59-D-3 and Chapter 19 of the Montgomery County Code, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review site plan applications and final water quality plans, respectively; and

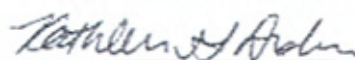
WHEREAS, on June 7, 2007, Children's Manor Montessori School ("Applicant"), filed an application for combined approval of a site plan for a 12,000 square-foot day care center ("Site Plan") on 1.68 acres of MXN zoned-land, located in the southwest quadrant of the intersection of Darnestown Road (MD 28) and Traville Gateway Drive in the Shady Grove Study Area ("Property" or "Subject Property"), and for a final water quality plan ("Final Water Quality Plan") for the Site Plan; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060340, Traville Day Care, and its final water quality plan application was designated Final Water Quality Plan No. 820060340 (hereinafter, collectively referred to as the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 25, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on June 7, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, on June 7, 2007, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

  
Approved for legal sufficiency  
M-NCPPC Office of General Counsel



WHEREAS, on June 7, 2007, the Planning Board approved Final Water Quality Plan No. 820060340 subject to conditions on the motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 5-0, Commissioners Bryant, Hanson, Purdue, Robinson, and Wellington voting in favor; and

WHEREAS, on June 7, 2007, the Planning Board approved Site Plan No. 820060340, subject to conditions on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 5-0, Commissioners Bryant, Hanson, Purdue, Robinson, and Wellington voting in favor.

NOW, THEREFORE, BE IT RESOLVED, pursuant to the relevant provisions of Montgomery County Code, Chapter 19, the Montgomery County Planning Board APPROVES the Final Water Quality Plan No. 820060340, subject to the following conditions:

1. Provide clear and unimpeded access to all stormwater management (SWM) structures from a public right-of way.
2. All of the SWM structures must be on SWM parcels.
3. Retaining walls are not to be placed in SWM parcels. Additionally, SWM structures are not to be located in the Public Utility Easement or the Public Improvement Easement.
4. Water quality structures that are to be used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
5. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
6. A detailed review of the SWM computations will occur at the time of detailed plan review.
7. Montgomery County Department of Permitting Services (MCDPS) reserves the right to require the developer to provide full-time, third party, on-site, sediment control inspection if MCDPS decides the goals of the water quality plan are not being met.

BE IT FURTHER RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820060340 for a 12,000 square-foot day care center, and waiver of 14 parking spaces, on 1.68 gross acres in the MXN Zone, subject to the following conditions:

1. Diagrammatic Plan Conformance  
The development will comply with the binding elements listed in the Zoning Map Amendment [G-718] and associated Diagrammatic Plan.



2. Preliminary Plan Conformance  
The development will comply with the conditions of approval for Preliminary Plan No. 1-97022 as listed in the Planning Board Opinion dated November 20, 1997, as revised by Preliminary Plan No. 1-97022R, Planning Board Opinion dated April 23, 2001.
3. Landscaping
  - a. Revise the Land and Lighting Plan to indicate the number of existing street trees along Traville Gardens Circle which will have to be removed in order to construct the proposed day care center building. Show where the street trees to be removed will be relocated on the site. If any of those existing street trees do not survive after being relocated elsewhere on the site, Applicant will replace said tree(s) with a tree of the same or larger caliper.
4. Lighting
  - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to the Illuminating Engineering Society of North America ("IESNA") standards for commercial development.
  - b. All light fixtures will be full cut-off fixtures and able to be equipped with deflectors, refractors or shields.
  - c. Deflectors will be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels will not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
  - e. The height of the light poles will not exceed 12 feet including the mounting base.
5. Forest Conservation  
The Applicant will comply with the following condition of approval from Environmental Planning - Countywide Division Staff in its memorandum dated May 23, 2007:
  - a. The proposed development shall participate in implementation of the final forest conservation plan for the overall Traville project on a pro-rata basis. The Applicant will satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
6. SWM  
The development is subject to SWM Concept approval conditions dated March 23, 2007 unless amended and approved by MCDPS.
7. Development Program  
Applicant shall construct the development in accordance with a Development Program. A Development Program shall be reviewed and approved by Staff prior



to approval of Certified Site Plan. Development Program will include a phasing schedule as follows:

- a. Street tree planting and the sidewalks along Traville Gardens Circle and the private drive will be completed no later than 6 months after completion of the proposed building.
- b. The 5-foot wide sidewalk between the playground and the SWM facility will be completed no later than 6 months after the completion of the building.
- c. On-site landscaping and lighting will be completed no later than 6 months after the completion of the building.
- d. Phasing of dedications, SWM, sediment/erosion control, forestation, or other features.

8. Clearing and Grading

No clearing and grading prior to M-NCPPC approval of Certified Site Plan.

9. Certified Site Plan

Prior to Certified Site Plan approval the following revisions will be included and/or information provided, subject to Staff review and approval:

- a. Development program, Site Plan sheet index, and Site Plan Resolution.
- b. Revised data table deleting the +/- from the proposed distances.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest conservation easement areas.
- f. Note stating that the Staff must inspect tree-save areas and protection devices prior to clearing and grading.
- g. Applicant must require 10 members of the day care staff to park off-site in nearby public parking spaces.
- h. Applicant must provide a staggered time schedule for parents to drop off and pick up their children. Schedule is to be placed on the Certified Site Plan.

BE IT FURTHER RESOLVED that all site development elements as shown on Traville Day Care drawings stamped by the M-NCPPC on May 4, 2007, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS with respect to the Application that, with the conditions of approval:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan,*

*certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is consistent with an approved Diagrammatic Plan Amendment DPA-00-1, approved on August 15, 2001.

2. *The Site Plan meets all of the requirements of the zone in which it is located and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the MXN zone as demonstrated in the Project Data Table below.

### PROJECT DATA TABLE

Proposed Use: Day Care - 12,000 square feet

Zoning Ordinance Development Standard	Permitted/Required	Approved by the Planning Board and Binding on the Applicant
Maximum density of development (tract area)	0.3 FAR	0.25 FAR
Lot Area, Parcel L (ac.)	N/A	1.68 ac.
Green Area (%)	60% of entire tract (60% of 192 ac. = 115 ac.)	67% of entire tract (67% of 192 ac. = 128 ac.)
<sup>1</sup> Impervious Area	33% maximum permitted over entire tract (0.75 ac. assumed for day care)	32.8% over entire tract (0.65 ac. for day care)
Minimum Building Setbacks (feet)	100-foot minimum from tract boundary where adjacent to residential use	500 feet
Minimum Building Setbacks (feet) -front -side -rear	N/A	222 feet 11 feet (east), 4 feet (west) 247 feet
Maximum Building Height (feet)	Maximum of 1 ft. of height for every 1 ft. of building setback from tract boundary	25 feet maximum - measured from average grade in the front of building to the mean point of roof
Parking Spaces	1 space/non-resident staff member = 22 spaces 1 space/6 children 200 divided by 6 = 34 spaces Total spaces required = 56	42 spaces provided, waiver of 14 spaces

<sup>1</sup> Sidewalks are included in both impervious and green space calculations



3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The day care building is oriented in an adequate, safe, and efficient manner. The one-story rectangular structure is sited between a parking area on the north and a play area to the south, and by Traville Gardens Circle to the east and a proposed private drive to the west. The day care play area will be fenced and landscaped with shade trees around the boundary.

b. Open Spaces

The open spaces are adequate, safe, and efficient. The plan provides a fenced, 10,000 square-foot play area adjacent to the day care building. Access to the play area is achieved by a ramp provided from the south end of the building to the play area.

c. Landscaping and Lighting

Landscaping and lighting on the site is adequate, safe, and efficient. The landscaping consists of shade trees and a mix of shrub types located to help screen the parking and play areas. Some of the existing street trees on Traville Gardens Circle, in the area where the day care center building is located will be removed and relocated to other areas on the site. If any of those existing street trees do not survive after being relocated elsewhere on the site, Applicant shall replace said tree(s) with a tree of the same or larger caliper.

The lighting plan shows that four street lamps, matching the type of existing street lamps in the area, will be used to illuminate the parking area. The play area will not be illuminated.

d. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation systems are adequate, safe, and efficient. Access to the site is from an existing 24-foot wide private street off of Traville Gateway Drive. The single point of access to the day care's parking lot is from the existing private drive. The existing 5-foot wide sidewalk along Traville Garden Circle will be extended just beyond the vehicular access point to the north and also extended to the southern boundary of the property. A sidewalk will also be provided between the



play area and SWM area in accordance with the Diagrammatic Plan for Traville. The north side of the existing private drive off of Traville Gateway Drive will be modified to provide 11 parallel parking spaces with 2 parallel parking spaces off of Traville Gardens Circle.

The Planning Board approves the Applicant's parking waiver request for 14 parking spaces. The Applicant has documented the parking use for another existing day care facility it operates, and the 42 parking spaces will be adequate for the building. The Applicant shall require that 10 staff members of the day care center park off-site in nearby public parking spaces. The Traville development also lies within the Piney Branch Special Protection Area, where minimizing the amount of impervious areas is encouraged to the extent possible.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The one-story day care building and its adjacent play and parking areas are compatible with the existing four-story senior residential buildings to the east and the existing and proposed Human Genome Sciences buildings to the west.

The development within the surrounding area is compatible with existing and proposed adjacent development with regard to use, location, height, and design of the building. The site is located on the west side of Traville Gardens Circle between the Human Genome Sciences headquarters site to the west and The Gardens of Traville, a senior residential development to the east. Additionally, the proposed development has no detrimental impact for the University of Maryland at Shady Grove, across Traville Gardens Circle and the 230-unit senior residential development consisting of four, four-story buildings to the east.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The development will participate in implementation of the final forest conservation plan for the overall Traville project on a pro-rata basis. The Applicant will satisfy all conditions prior to recording of plat(s) or issuance by MCDPS of sediment and erosion control permits.

The proposed SWM concept consists of (1) on-site channel protection measures via the existing Traville SWM pond #1, and (2) on-site water quality control via an on-site biofilter.



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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

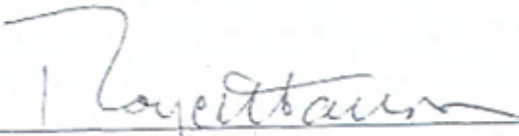
BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 06 2007 (which is the date that this Resolution is mailed to all parties of record); and

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

\* \* \* \* \*

#### CERTIFICATION

At its regular meeting, held on Thursday, November 29, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Vice Chair Robinson, Commissioner Bryant, and Chairman Hanson voting in favor, and with Commissioners Cryor and Lynch abstaining. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820060340, Final Water Quality No. 820060340, Traville Day Care.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board