



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

MCPB  
Item #  
Date: 07/01/10

**MEMORANDUM:**

**DATE:** June 15, 2010

**TO:** Montgomery County Board of Appeals

**VIA:** Rose Krasnow, Chief, Development Review Division *RK*  
Ralph Wilson, Zoning Supervisor *RW*

**FROM:** Carlton W. Gilbert, Planner Coordinator (301) 495-4576

**SUBJECT:** **Special Exception Petition No. SE-10-1: Stephen and Patricia Edelen, applicants,** request approval of a special exception for a Child Day Care facility for up to 24 children located at 6705 Connecticut Avenue, Chevy Chase, R-60 Zone.

**MASTER PLAN** 1990 Bethesda-Chevy Chase Master Plan  
**FILING DATE:** March 27, 2010  
**PUBLIC HEARING:** July 23, 2010

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**STAFF RECOMMENDATION:** Approve special exception for a child day care facility for up to 24 children, and the associated parking waivers of the required drive-way width and parking setbacks. The following operational limitations apply:

1. All evidence, testimony and exhibits of record are binding on the applicant.
2. The child day care use must be limited to 24 children, 18 full-day and 6 half-day, ages two to four. The child care facility is permitted to have a maximum of 2 non-resident employees.
3. Permitted hours of operation are Monday thru Friday, 7:45 a.m. to 6:30 p.m.

4. The arrival and pick-up times for children must be staggered for separate groups, with a maximum of nine children arriving within any 45-minute time period, as follows:
  - a. Group A with nine full-day children: Drop-off between 7:45 & 8:30 a.m. and pick-up between 5:00 & 5:45 p.m.
  - b. Group B with nine full-day children: Drop-off between 8:30 & 9:15 a.m. and pick-up between 5:45 & 6:30 p.m.
  - c. Group C with six half-day children: Drop-off between 9:15 & 10:00 a.m. and pick-up between 12:15 & 1:00 p.m.
5. No more than 12 children are permitted to play outdoors at any one time
6. The applicants must upgrade the driveway from Connecticut Avenue (MD 185) so that the sidewalk crossing will be ADA compliant in accordance with the Maryland State Highway Administration's (SHA) standards.
7. The applicants must comply with Maryland State and Montgomery County standards for the operation of a child day care facility.

The operation of a child day care facility at the proposed location, with associated waivers and operational limitations recommended by staff, would not constitute a nuisance because of traffic or physical activity, and would not adversely affect the residential character of the surrounding properties. Furthermore, the proposed use is consistent with the recommendations of the 1990 Bethesda- Chevy Chase Master Plan.

The use at the proposed location satisfies the specific special exception requirements of 59-G-2.13.1.

### **Project Summary**

The applicants, Patricia and Stephen Edelen, request a special exception to permit a child day care facility for up to 24 children at 6705 Connecticut Avenue in Chevy Chase. The applicants propose to expand an existing day care use by increasing the number of children from 8 to 24. A licensed child care business for up to 8 children for which a special exception is not required has been operating on the site since 2008.

The child day care business will operate in the existing three-story single-family dwelling owned by the applicant, who is the provider and resident. The day care will be conducted on the lower level (basement) of the home. Staff's understanding is that the entire basement, approximately 1,500 square feet, will be dedicated to the business. The child care facility will have two full time non-resident employees. There are no changes proposed to the exterior of the existing dwelling. All of the activities associated with the business will be conducted within the home or in the rear yard, which is

enclosed with a 6-foot high wooden privacy fence and will include various play equipment for the children to use.

### **Site Description**

The subject property is located on the east side of Connecticut Avenue between Bradley Lane and Raymond Street. The property's legal description is Lot 4, Block 2 in Section 3 of the Village of Chevy Chase. The property is zoned R-60 and is 21,780 square feet in size. The property has approximately 104 feet of street frontage along Connecticut Avenue. The property is improved with a three-story masonry dwelling with a basement, constructed in 1977. The dwelling is setback approximately 32 feet from Connecticut Avenue. The dwelling has a left side yard of approximately 30 feet, a right side yard of approximately 19 feet and a rear yard of approximately 90 feet.

The property is accessed via a 20-foot wide asphalt driveway from Connecticut Avenue. The 105-foot long driveway provides access to the two-car detached garage that is located approximately 5 feet from the left side lot line. The existing driveway and large parking area provide parking for at least nine vehicles. The applicant intends to use the garage for parking two cars associated with the residence. Access to the day care home is through the front gated entrance. The applicant has indicated that children will be dropped off and picked up from the front driveway aisle and on the side driveway aisle. Space that can be used to park up to two cars for the non-resident employees is provided on the site.

The property is relatively flat in the front and rear yards. Both the front and rear yards are landscaped with mature trees, shrubs and flowers. There is a mature row of evergreen screening along Connecticut Avenue and a row of evergreen trees inside the property's northern fence line. The perimeter of the dwelling is screened and entirely enclosed, with an existing masonry wall along Connecticut Avenue and an existing six-foot high fence along the remaining boundaries. The rear yard of the property is fenced and includes a 667 square-foot guest house, a storage shed, a flagstone patio, and a grass covered play area and playground that consists of approximately 7,120 square feet.

A site inspection by staff revealed that the property was properly posted at the time of inspection.

### **Neighborhood Description**

The neighborhood in which the subject property is located is defined by Shepherd Street to the north, Delaware Street to the east, Bradley Lane to the south, and Connecticut Avenue to the west. The neighborhood is zoned R-60 for single-family residences. Single-family homes are located directly across Connecticut Avenue, and the Chevy Chase Country Club is situated diagonally south across Connecticut Avenue. Abutting the subject property to the south are two vacant properties. To the east of the property and separated by trees and foliage are single-family homes. To the north,

fencing and landscaping separate the subject dwelling, existing garage, and guest house from the abutting single-family homes that front onto either Connecticut Avenue or Raymond Street. There are no similar special exceptions within the neighborhood. A special exception for an accessory apartment was approved in 1984 at 3815 Bradley Lane.

### **Elements of Proposal**

The applicant is proposing to expand the existing child care facility by increasing the number of children cared for from 8 to 24. The proposed child day care facility is intended to provide daily weekday care for 24 children, age two to four. The day care will be located on the basement level of the existing home. According to the applicant, approximately 1,500 square feet will be used for activities and play area for the children. The front entrance of the dwelling will be used by parents when picking up and dropping off their children.

The hours of operation will be between 7:45 a.m. and 6:30 p.m., Monday through Friday. Child care will not be provided on weekends or overnight, at any time. Pick-up and drop-offs will occur on the driveway aisles in the front and side of the home, which provide adequate room for vehicles during morning drop-off and afternoon pick-ups.

The child day care program will consist of 18 children attending full day and 6 children attending on a half-day basis. The half-day program is proposed to operate from 9:15 a.m. to 1:00 p.m.. The vehicles arriving to drop-off and pick-up children will be staggered into three groups, identified as Group A, B, and C. When dropping off children in the morning, Group A parents will arrive from 7:45 a.m. to 8:30 a.m., Group B from 8:30 a.m. to 9:15 a.m., and Group C from 9:15 a.m. to 10:00 a.m.. In the afternoon, Group C will consist of children in the half-day program that will be picked up from 12:15 to 1:00 p.m.. In the evening, Group A parents will arrive to pick-up children from 5:00 p.m. to 5:45 p.m. and Group B from 5:45 to 6:30 p.m. Staff recommends that the applicant go a step further and include the staggered arrival times in the enrollment contract to be signed by parents.

There will be two non-resident employees, who will begin working at the site if the special exception is granted and a license is issued to increase the number of children from 8 to 24. The employees will work from 7:45 a.m. to 5:45 p.m. The employees will be instructed to park on the site in designated parking spaces.

The outdoor play activities will occur in the applicant's rear yard. The outdoor playground consists of a 7,120 square-foot grass covered lawn with an assortment of playground equipment. The proposed day care facility will have staggered outdoor playtime. A maximum of 12 children (including those in the half-day program) will be on the playground at any one time during the day care's hours of operation.

## **Master Plan**

The proposed child day care facility is consistent with the recommendations of the Bethesda Chevy Chase (1990) Master Plan. The Plan supports the location of child day care facilities in residential and in employment settings. It notes that “by utilizing existing dwelling units, they require minimal additional capital investment to provide services. The family day care homes are currently permitted and development of small centers should be encouraged” (p.155). The existing dwelling can accommodate the additional 16 children proposed by the applicant without any new construction.

The master plan notes that “there has been an influx of young families with children into the Planning Area. The demand for child day care in the Bethesda-Chevy Chase area is increasing due to a growing child population (ages 9 and under) and the high level of employment. The increasing numbers of both children of residents and employees will likely require additional child day care facilities” (p.155). As proposed, the expansion from a family day care home to a child day care facility will achieve the intent of the master plan to provide child day care centers.

The master plan establishes several guidelines for reviewing special exceptions. The guidelines are to:

- Avoid excessive concentration of special exception and other nonresidential land uses along major highway corridors.
- Avoid over-concentration of commercial service or office-type special exception uses in residential communities.
- Protect major highway corridors and residential communities from incompatible design of special exception uses.
- Support special exception uses that contribute to the housing objectives of the master plan (p.31-33).

There are no existing special exceptions within close proximity to the proposed use, and no new construction is proposed. Therefore, no excessive concentration of special exceptions will occur and existing compatibility with the neighborhood will be retained.

Staff finds that the proposed use to be appropriate for the location and approval is recommended.

## **Transportation**

Transportation planning staff has reviewed the applicant’s proposal to increase the number of children from 8 to 24 and finds that the proposed special exception use satisfies the Local Area Transportation Review and Policy Area Mobility Review tests and will have no adverse impact on the nearby road system. (See attached Transportation Memo)

Transportation staff recommends the following conditions as part of the Adequate Public Facilities (APF) test for transportation requirements related to the approval of the special exception request:

1. The Petitioners must limit the special exception use to a child day care facility for a maximum of 24 children.
2. The Petitioners must restrict the scheduled child drop-off and pick-up to a maximum of 9 children within a 45-minute time period.
3. The Petitioners must upgrade the driveway from Connecticut Avenue (MD 185) so that the sidewalk crossing will be ADA compliant in accordance with the Maryland State Highway Administration's (SHA) standards.

Staff's transportation impact analysis for the proposed child care expansion is analysis for the proposed child care expansion is as follows:

The vehicular access point is a right-turn-in/right-turn-out only access from Connecticut Avenue. The existing 20-foot-wide driveway from Connecticut Avenue was reviewed by SHA and satisfied their standards. The existing gated driveway has a separated pedestrian access point that results in reducing the vehicular access width to 16 feet. This width should be sufficient for the following reasons:

1. Only nine cars are projected to enter and leave the site over a 45-minute time period. Thus the likelihood of one car to be entering the site while another car is leaving the site should be minimal.
2. The design vehicle dimension of a typical passenger car is 7 feet wide according to the American Association of State Highway and Transportation Officials (AASHTO). Thus 16 feet is sufficient width to fit two cars.

The Friendship Heights Metrorail Station is located approximately 3,600 feet south of the subject site. Ride-On routes 1 & 11 and Metrobus route L-8 operate along Connecticut Avenue and provide transit service to the Friendship Heights Metrorail Station. The bus stop is located on the north leg of the Connecticut Avenue/Rosemary Street-Raymond Street intersection.

A six-foot wide sidewalk exists along the site's Connecticut Avenue frontage. The nearby intersection of Connecticut Avenue/Rosemary Street-Raymond Street has marked crosswalks on the northern and western legs. The nearby intersection of Connecticut Avenue/Bradley Lane also has marked crosswalks on the southern and western legs.

In accordance with the *Bethesda/Chevy Chase Master Plan* and the *Countywide Bikeway Functional Master Plan*, the nearby master-planned roadways and bikeway are as follows:

1. Connecticut Avenue is designated as a six-lane major highway, M-7, with a recommended 120-foot-wide right-of-way and no bikeways.

The current right-of-way along the property frontage is 105 feet. If this was a preliminary plan of subdivision case, the Petitioners would be required to dedicate 15 feet of right-of-way along Connecticut Avenue.

2. Bradley Lane:
  - a. West of Connecticut Avenue is designated as a primary residential street, P-4, with a recommended 70-foot-wide right-of-way.
  - b. East of Connecticut Avenue is not listed in the *Bethesda/Chevy Chase Master Plan*.
  - c. West and east of Connecticut Avenue, a signed shared roadway, SR-1, is designated along Bradley Lane between Wisconsin Avenue (MD 355) and Brookville Road (MD 186).
3. Brookville Road is designated as a primary residential street, P-5, with a recommended 70-foot-wide right-of-way and a signed shared roadway, SR-4

#### Site Generated Peak-Hour Vehicular Trips

The Petitioners proposed the following schedule to reduce the traffic impact generated by the child day care center's expansion from 8 to 24 children:

1. A staggered weekday drop-off and pick-up time periods for separate groups of children as follows:
  - d. Group A with nine full-day children: Drop-off between 7:45 & 8:30 a.m. and pick-up between 5:00 & 5:45 p.m.
  - e. Group B with nine full-day children: Drop-off between 8:30 & 9:15 a.m. and pick-up between 5:45 & 6:30 p.m.
  - f. Group C with six half-day children: Drop-off between 9:15 & 10:00 a.m. and pick-up between 12:15 & 1:00 p.m.
2. For the four staff persons:
  - a. The Petitioners live on-site.
  - b. Two new non-resident staff persons with proposed scheduled work hours from 7:45 a.m. to 5:45 p.m. and from 9:00 a.m. to 5:00 p.m.

The resultant numbers of children and staff persons are summarized below:

Child Day Care Facility	Number			
	Children		Staff Persons	
	Morning	Evening	Morning	Evening
Existing Facility	8	8	2	2
Increase- Proposed Expansion	+16*	+10*	2	2
Total - Proposed Expansion	24	18	4	4

\* Six children are proposed to be in a half-day program that ends at noon.

The increase in peak-hour trips generated as a result of the additional 18 children during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.) is shown in the table below. The trip-generation rates in the *Local Area Transportation Review and Policy Area Mobility Review Guidelines* are based on a minimum threshold of six employees. Therefore, the Institute of Transportation Engineers' (ITE) *Trip Generation Report* was used to estimate the peak-hour trips generated by this child daycare facility that has only four employees. The total trips include the new, diverted, and pass-by trips. Pass-by and diverted trips are those trips that are already on the road and drop-off/pick-up their children at the subject site on their way from other origins or destinations.

Peak-Hour trips	Weekday Peak Hour	
	Morning	Evening
Existing	10	10
Expanded	10*	4*
Total	20	14
Pass-by & Diverted	18	13
Net New	2	1

\* Six children are proposed to be in a half-day program that ends at noon.

Although the expanded child daycare facility would result in doubling the total number of morning peak-hour trips, 80% of these vehicular trips are diverted or pass-by trips. Thus, the additional new trips would be less than three and considered to be a de minimis traffic impact under the *Growth Policy* standards.

Community representatives expressed concern regarding the cumulative effect of traffic when combined with the traffic generated by the two nearby existing schools. The traffic impact by these nearby schools and other mitigating factors are discussed below:

1. A half-day morning pre-school program is operated by the Chevy Chase United Methodist Church. The Church is located two blocks north of the site on the north side of Shepherd Street between Connecticut Avenue and Delaware Street. The pre-school program has approximately 11 classes with approximately 135 students starting between 9:00 & 9:15 a.m. and ending between 12 noon & 12:15



p.m. Parents pick-up or drop-off their children at the designated areas off Shepherd Street and some may leave by turning right onto Delaware Street (i.e., parallel to Connecticut Avenue) and then right onto westbound Raymond Street towards Connecticut Avenue.

*The Groups B and C morning drop-off time periods proposed by the Petitioners would occur during the same time when the parents drop-off their children to the Church's pre-school. The Village's representatives were concerned that parents would temporarily park on Raymond Street to walk their children into the subject child daycare facility. The volume of westbound traffic on Raymond Street generated by the Church's pre-school and the street's narrowness should deter such temporary parking. In addition, the number of proposed parking spaces on the subject site should satisfy the parking demand generated by the expanded child daycare facility according to the County Zoning Ordinance.*

2. The Chevy Chase Elementary School is located one block away on the north side of Rosemary Street, west of Connecticut Avenue. The Elementary School's hours start at 8:50 a.m. and end at 3:05 p.m.

*The Group A morning drop-off time period proposed by the Petitioners would occur during the same time when the parents drop-off their children to the Elementary School. An existing crossing guard supervises the students walking across Connecticut Avenue between Raymond Street and Rosemary Street.*

Thus, the traffic generated by the expansion of the existing child daycare facility would not adversely impact the existing traffic generated by these two nearby schools because of the mitigating factors above.

## **Environment**

Environmental Planning staff recommends **approval** of the above referenced Special Exception No. SE-10-1 for a Child Day Care facility. (See attached Environmental Planning Memo)

Environmental Planning staff believes this application will not conflict with the required findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance, more specifically, the proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity.

The Forest Conservation Law does not apply to the lot because it is a special exception on a tract of land less than 40,000 square feet (per Section 22A-4(b)).

The site is in the Lower Rock Creek watershed, designated as Use I / I-P waters. There are no streams, wetlands, floodplain and environmental buffers on-site. The *Countywide Stream Protection Strategy (CSPS)* identifies this subwatershed (Lower Mainstem E/W Highway) as having poor water quality.

No changes or alterations are proposed to the exterior of the existing residence. Stormwater will drain into the existing public storm drainage system.

### Development Standards

The subject property is located in the R-60 zone, which permits the proposed use by special exception. The proposal conforms to all applicable development standards of the R-60 zone. The following table standards are applicable to single-family detached dwelling units:

<b>Development Standard</b>	<b>Required</b>	<b>Proposed/Existing</b>
<b>Minimum Lot Area</b>	6,000 sq. ft.	21,780 sq. ft.
<b>Minimum Lot width:</b> <ul style="list-style-type: none"> <li>▪ at front building line</li> <li>▪ at street line</li> </ul>	60 feet 25 ft.	104 ft. 104 ft.
<b>Minimum Building Setback:</b> Front Yards  Side Yards <ul style="list-style-type: none"> <li>▪ One side</li> <li>▪ Sum of both sides</li> </ul> Rear Yard	25 ft.  8 ft. 18 ft. 20 ft.	32 ft.  19 ft. 49 ft. approx. 112 ft. approx.
<b>Maximum Building Height</b>	2 ½ stories or 35 ft	*3 stories
<b>Maximum Building Coverage</b>	35%	23% Approx.
<b>Parking</b>	8 parking spaces	11 parking spaces

\*The height of the existing dwelling is a conforming building as per Section 59-A-5.44. (grandfather clause)

### Parking

Based on the requirements of the Zoning Ordinance Article 59-E-3.7, a child day care facility for 24 children must provide a minimum of 8 parking spaces: one space for each of the two non-resident staff members, two spaces for the residence, and four spaces for the children’s parents. The zoning ordinance states that street parking may be used to meet the minimum requirements. However, the applicants do not intend to rely on any street parking for parents or for staff. The applicants are providing a total of eleven off-street parking spaces as shown on the attached parking layout.

### Parking Waivers

As part of this application, the applicant seeks a waiver from the standard parking requirements as described below:

Driveway and Aisle Width (59-E-2.41) - The property is currently accessed via a 20-foot wide driveway from Connecticut Avenue. As noted in the attached transportation staff report, the existing gated driveway has a separated pedestrian access point that effectively reduces the vehicular access width to 16 feet. The zoning code requires a 20-foot minimum width for a two-way driveway. However, the 16-foot width has been determined to be adequate by transportation staff for the reasons explained in the analysis provided by Transportation staff, attached to this report. As an alternative to a waiver, the pedestrian access point could be removed in order to comply with the 20-foot wide driveway standard. Staff believes this could be implemented at the time the driveway and sidewalk crossing at Connecticut Avenue is upgraded in order to be ADA compliant in accordance with SHA standards.

Setback for Parking (59-E-2.83(b)) – Parking facilities, including driveways, must be setback a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The setback provisions of this section provide for greater setbacks for parking in a residential area than would typically be required. The intent is to mitigate the potential impacts of a proposed parking facility on adjacent residential land uses. As proposed, the parking spaces would be located approximately 13 feet from Connecticut Avenue, approximately 2 feet from the northern property line, and approximately 9 feet from the southern property line. The existing 13-foot wide landscaped tree area, located between the sidewalk and parking spaces, will provide adequate screening when viewed from Connecticut Avenue. The entirety of the property is enclosed with fencing. Along the northern property line, an existing row of evergreens is located inside along the fence line that separates the parking spaces, the garage and guest house from the properties to the north. The properties to the south of the subject property are currently vacant lots. Staff supports the parking setback reductions.

### **Landscape and Lighting**

As previously noted, both the front and rear yards are landscaped with mature trees, shrubs and flowers. There is a mature row of evergreen screening along Connecticut Avenue and a row of evergreen trees inside the property's northern fence line. The perimeter of the dwelling is screened and entirely enclosed, with an existing masonry wall along Connecticut Avenue and an existing six-foot high fence along the remaining boundaries.

There are no additional external lighting changes proposed. The existing exterior illumination consists of residential type fixtures that provide safety for cars, parents, and children entering and exiting the property. There are two 16-watt fluorescent lamps located at the gated entrance, a hanging chandelier to illuminate the front porch, two motion sensor flood lights to illuminate the north corner of the dwelling and the driveway

leading up to the garage, two 16-watt lamps located on the garage, one 60-watt light over the rear doorway, three 16-watt fluorescent lights under the eaves of the dwelling to illuminate the patio, and two 16-watt motion sensors lights mounted at the south corner of the guest house. The lighting currently in place does not cause any glare onto adjoining properties.

**Sign: The display of a sign must comply with Article 59-F.**

The subject property currently contains an existing non-illuminated sign advertising the Chevy Chase Reggio child care business. The aluminum sign measures 36 inches wide by 24 inches high. The sign is intended to remain in place.

**Community Concerns**

Representatives from the Village of Chevy Chase Section III met with planning staff and noted their objections to the proposed expansion. The community is generally concerned that expanding the existing child care facility from 8 to 24 children will create a precedent for the community; increase traffic on neighborhood streets, such as Raymond Street and Shepherd Street; increase noise levels from the additional children playing outdoors; and have a negative impact on property values. The community representatives also expressed concern regarding the cumulative effect of traffic when combined with traffic generated by the two nearby existing schools. Attached are numerous letters and e-mails received in opposition to the special exception request.

The traffic impact for the nearby schools and mitigating factors are discussed in detail in the attached memorandum from transportation staff. Some of the community concerns have been addressed by the applicant by establishing three different arrival groups beginning at 7:45 a.m. and ending at 10 a.m. For outdoor play, the applicant has limited the number of children playing outdoors from 10 a.m. to noon and from 4 p.m. to 5 p.m. to two groups of 12. Six children out of 24 children will be in a half-day care program. These children will leave the property by 1:30 p.m., which contributes to reducing impact on neighboring streets and noise.

**Inherent and Non-Inherent Adverse Effects**

The Zoning Ordinance specifies a standard of review for evaluating compliance with general and specific conditions that requires an analysis of inherent and non-inherent adverse effects.

The first step in analyzing the inherent and non-inherent adverse effects of a special exception or modification is to define the boundaries of the surrounding neighborhood.

Analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to

result in denial. To that end, inherent adverse effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a special exception.

Applying the above analysis to this case, the staff finds:

*The inherent, generic physical and operational characteristics necessarily associated with a child day care 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.*

*Staff understands that the interior area devoted to the child care facility is approximately 1,500 square feet and located in the basement of the existing three-story single-family dwelling. There are no significant traffic impacts that would result from the proposed special exception. The plan provides adequate parking to serve the use. The large driveway and parking layout serves as drop-off and pick-up area for children. Existing lighting on the property is adequate and consistent with the residential character of the neighborhood. No new lighting will be added. There will be no changes to the existing dwelling and parking area in front of the dwelling, or play area in the rear yard. The front and rear yards are well landscaped with mature trees. Trees, flowers and shrubbery are located in the front, side and rear of the dwelling. There are no non-inherent effects of the use.*

### **General and Specific Special Exception Provisions**

The application, as conditioned by staff, satisfies all of the general and specific requirements for a child day care facility found in Sections 59-G-1.21 and 59-G-2.00 of the Zoning Ordinance.

#### **59-G-1.21. General conditions.**

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

*The subject property is zoned R-60. A child day care facility for 24 children is an allowed special exception in the R-60 Zone.*

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

*Staff finds that the requested use satisfies the standards and requirements prescribed in Section 59-G-2.13.1 of the Zoning Ordinance.*

- (3) Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

*As previously discussed, the proposed child daycare facility is consistent with the recommendations of the Bethesda Chevy Chase (1990) Master Plan.*

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

*The use will be in harmony with the general character of the surrounding residential neighborhood. The use will be located in the basement of the existing dwelling and will not require construction of an addition to provide additional floor space. There is adequate parking. Traffic conditions will not be affected adversely. Staff does not find an excess of similar uses in the defined neighborhood.*

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*There is no evidence to support a finding that the use will be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.*

- (6) 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.

*Due to the nature of the proposed use, it is not expected to cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical or activity at the site.*

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

*Staff finds that the proposed expanded child care facility will not increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or to alter the predominantly single-family residential character of the area. Since no new construction is proposed, the residential character of the neighborhood will not be altered.*

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

*There is no evidence to support a finding that the child care use would have an adverse effect on residents, visitors, or workers in the area.*

- (9) 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.

- (i) If the special exception use requires approval of a preliminary plan of subdivision the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception. If the special exception does not require approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Board of Appeals when the special exception is considered. The adequacy of public facilities review must include the Local Area Transportation Review and the Policy Area Transportation Review, as required in the applicable Annual Growth Policy.

*The subject site is already subdivided and will continue to be adequately served by public facilities. As previously indicated, staff also finds that the requested use satisfies the transportation-related requirements of the APF test.*

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner, or the District Council, as the case may be, must further determine that the proposal will not reduce the safety of vehicular or pedestrian traffic.

*Staff finds that the application satisfies transportation related requirements and will not reduce the safety of vehicular or pedestrian traffic because the existing driveway and parking area is large enough to accommodate the drop-off and pick-up of children. The applicant will also stagger arrivals and departures.*

**Sec. 59-G-2.13.1. Child day care facility.**

- (a) The Hearing Examiner may approve a child day care facility for a maximum of 30 children if:

- (1) a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas and other uses on the site.

*The applicant has submitted site and landscape plans that satisfy these requirements.*

- (2) parking is provided in accordance with the Parking Regulations of Article 59-E. The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

- (A) Existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or

- (B) A reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;

*Because the proposed child care use is in a residential dwelling, the number of spaces required by Section 59-E-3.7 is eight (2 for the home, 2 for the non-resident employees, and 4 for drop-off and pick-up of children. The property contains a two-car garage to accommodate the resident's vehicles. There is a large driveway and parking area that can park at least 9 additional vehicles during off-peak periods and that will be used by the parents for morning drop-off and afternoon pick-up. There is no on-street parking available in front of the dwelling. Therefore, staff finds that the subject property provides adequate parking for the proposed use.*



- (3) An adequate area for the discharge and pick up of children is provided;

*The existing driveway provides adequate area for the discharge and pick-up of children.*

- (4) the petitioner submits an affidavit that the petitioner will:
- (A) comply with all applicable State and County requirements;
  - (B) correct any deficiencies found in any government inspection, and
  - (C) be bound by the affidavit as a condition of approval for this special exception.

*This is a condition of approval and the applicant has submitted such an affidavit, dated March 12, 2010, stating compliance with the above-cited requirements.*

- (5) The use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The hearing examiner may require landscaping and screening and the submission of a plan showing the location, height, caliper, species, and other characteristics, in order to provide a physical and aesthetic barrier to protect surrounding properties from any adverse impacts resulting from the use.

*With the recommended conditions, the use will be compatible with surrounding uses and will not result in nuisances due to traffic, parking, noise or any type of physical activity.*

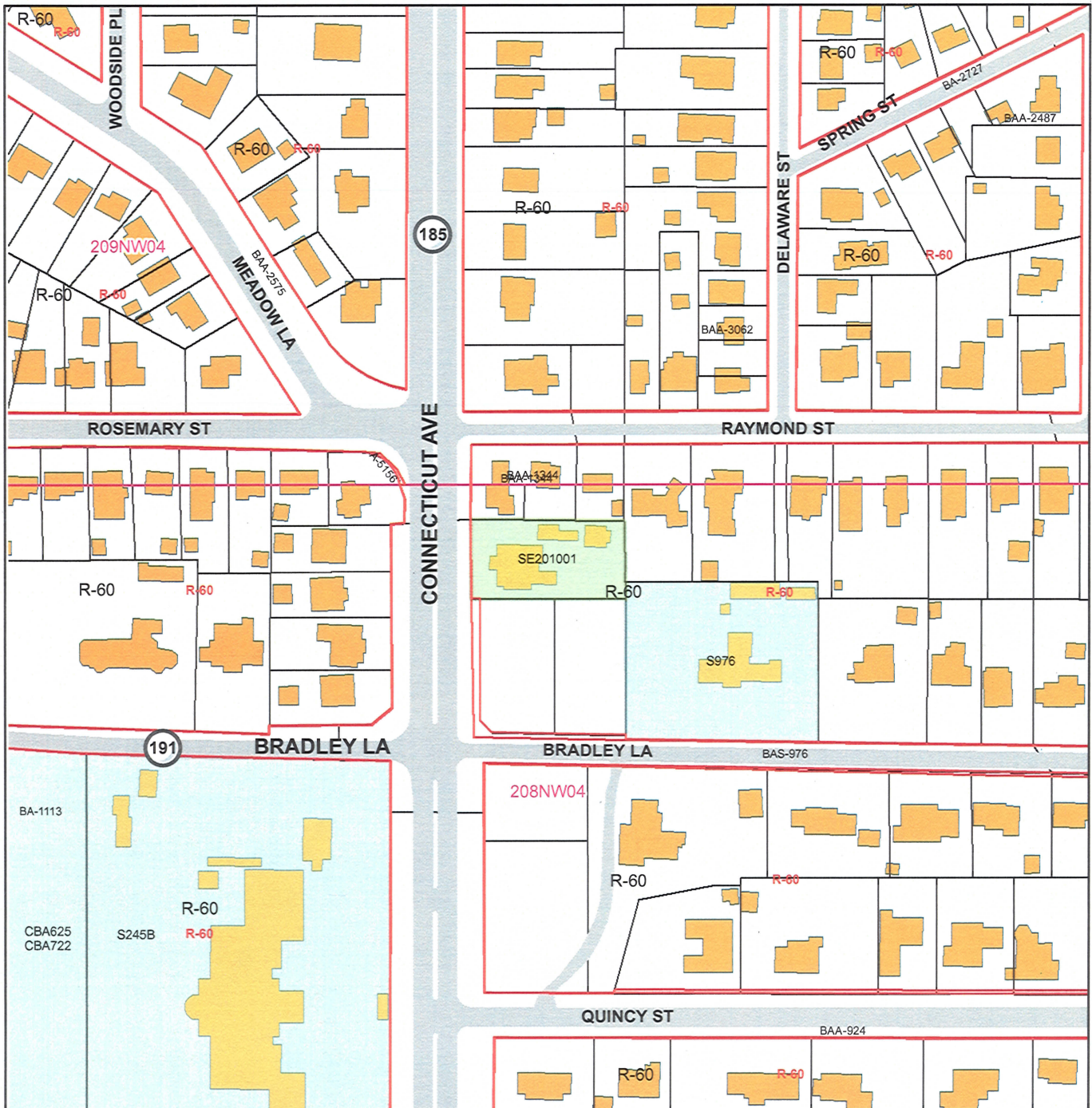
## **Conclusion**

Based on the foregoing analysis, staff recommends approval of the application subject to the conditions found at the beginning of the technical staff report.

## LIST OF ATTACHMENTS

1. Location Map
2. Neighborhood Map
3. Site Plan and Parking Layout
4. Landscape and Lighting Plan
5. Photographs of Site
6. Child Care Certificate of Registration
7. Vision Division Memo
8. Transportation Planning Memo
9. Environmental Planning Memo
10. Traffic Brief
11. Letters of Support
12. Letter from Section 3 Village of Chevy Chase
13. Letters of Opposition

General Location Map



LEGEND

- Special Exception Request
- Zone Boundary
- Parcel
- Lake and Pond
- Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

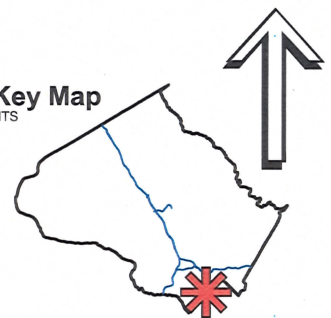
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 200 feet

Address: 6705 Connecticut Ave, Chevy Chase

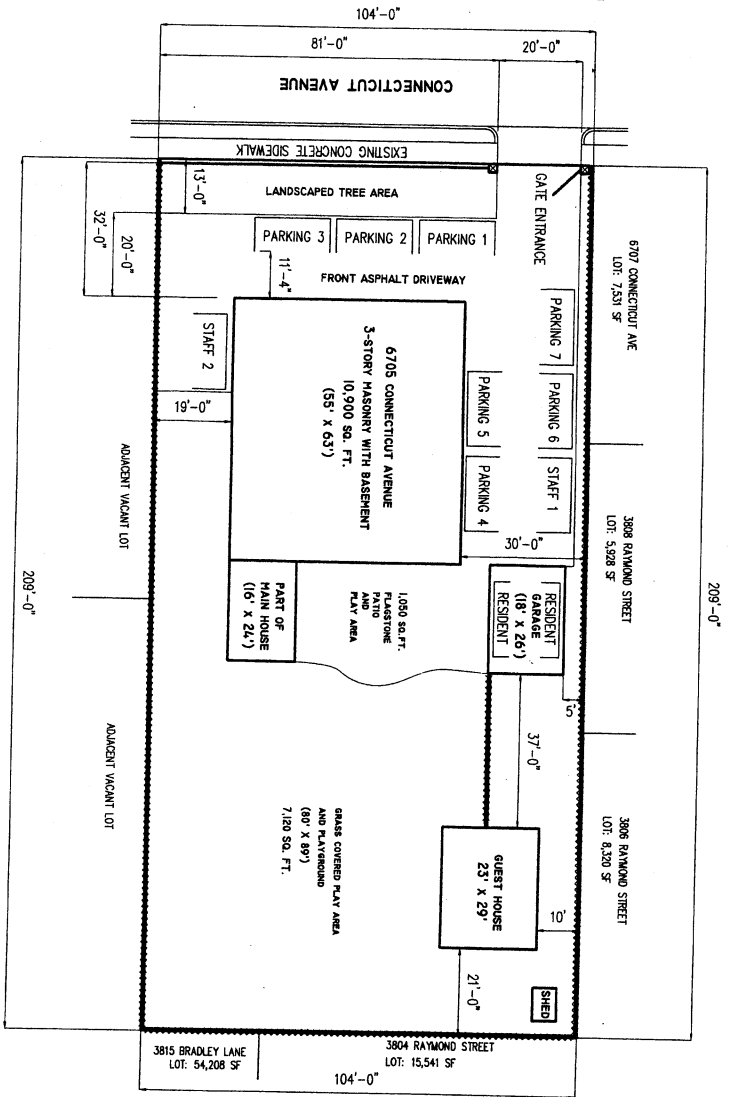
Key Map

NTS





# SITE PLAN WITH PARKING LAYOUT






\*SITE PLAN WITH PARKING LAYOUT\*

Building	Address	Legal Description	Existing Use	Proposed Use	Parking	Parents of Children	Non-Resident Staff	Resident Staff (in Garage)	Total
3-story Masonry with Basement 10,900 sq. ft.	6705 Connecticut Avenue Chevy Chase, MD 20815	Lot 4, Block 2	Family Home Day Care	Child Day Care Center for 24 children	Required	4	2	2	8
21,780 sq. ft.				Child Day Care Center for 24 children	Provided	7	2	2	11

SITE PLAN SCALE: 1" = 20'

LEGEND

-  PARKING #      8' X 18' PARKING SPACE
-  EXISTING SOLID MASONRY WALL
-  FENCE

**Mutual Enterprise**  
CAD Services  
E-mail: [info@mutual.com](mailto:info@mutual.com)  
Oxon Hill, Maryland 20745  
Tel: (301) 894-9313

Owner

Project

PROPOSED CHILDCARE CENTER  
AT  
6705 CONNECTICUT AVENUE  
CHEVY CHASE, MARYLAND 20815

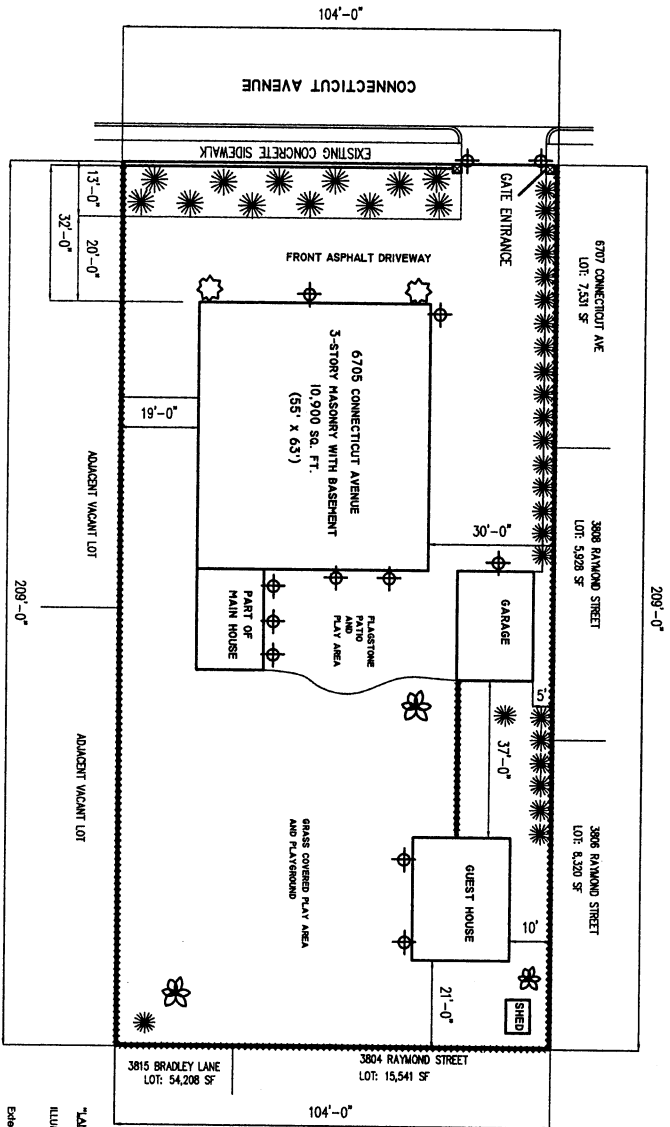
No.	Revision/Issue	Date
1	Parking Spaces/Notes	5-14-10

Consultants

Sheet Title  
SITE PLAN WITH  
PARKING LAYOUT

Project No.	Sheet
Date 1-28-10	<b>SP-1</b>
Drawn By RHL	
Scale 1" = 20'	

# LANDSCAPE AND LIGHTING PLAN



SITE PLAN SCALE: 1" = 20'

### LEGEND

- EVERGREEN TREE
- DECIDUOUS TREE
- 15' BUSH
- EXTERIOR LIGHTING
- FENCE

### "LANDSCAPING AND LIGHTING PLAN"

**ILLUMINATION**

Exterior illumination capable of residential-chronocycle fixtures to provide safety for cars, pedestrians, and landscaping. The lighting shall be without causing glare to surrounding properties. There are (1) two 40-watt flood lighting fixtures mounted on the roof of the brick curb of the front driveway to guide cars and pedestrians; (2) a large hanging chandelier with 8 25-watt bulbs to illuminate the front porch of house; (3) two 60-watt flood lights to illuminate the front corner of the house and the driveway leading to the garage; (4) a residential, night sensor lamp with two 14-watt fluorescent bulbs mounted above the garage door; (5) one 60-watt doorway lamp next to rear doorway of house; (6) one 60-watt doorway lamp in the stairwell above the entrance to day care; (7) one 60-watt recessed light under the sensor of house to illuminate dogstone Guest House to illuminate playground at dusk.

### TREES

No additional tree planting is proposed. The western side of lot fronting Connecticut Avenue is heavily screened with 12 Leyland Cypress evergreen trees which are 15-18 feet in height. The north side of lot has 20 Adoniac trees running along driveway next to existing fence. An additional row of Leyland Cypress trees run along the north side of lot and the driveway. Orange and chestnut trees to screen play area from neighboring lots. The lot also has several existing trees including a 60" tall magnolia tree, a 40" tall magnolia tree, and a 45" Pleacer tree that neighboring properties also have. The trees on the north and east side of the property are to be maintained and the trees on the west side of the property are to be removed.

### LANDSCAPING

No additional landscaping is proposed. Subject property is landscaped with 7,100 sq. ft. lawn resulting in Maryland tall fescue grass, and a variety of mature deciduous and evergreen bushes.

### FENCING

Subject property is entirely enclosed with no-sight fencing and masonry work. The front of the lot along Connecticut Avenue features a white masonry wall running in front of the row of evergreen trees, the south side of lot features a 6 foot high stockade-fence, and a 6 foot high stockade fence runs along the north and rear property lines.

## Mutual Enterprise

CAD Services

Oron Hill, Maryland 20745  
 Tel: (301) 394-9313

Owner

Project

PROPOSED CHILDCARE CENTER  
 AT  
 6705 CONNECTICUT AVENUE  
 CHEVY CHASE, MARYLAND 20815

Consultants

No.	Revision/Issue	Date

Sheet Title

LANDSCAPE AND  
 LIGHTING LAYOUT

Project No.

Date 1-28-10

Drawn By RNL

Scale 1" = 20'

Sheet  
**SP-2**

# Exhibit D: Photos and Signage

1. Outside View—Driveway Entrance



2. Inside View—Driveway Entrance



**3. Outside View—Screening Along Street**



**4. Inside View—Screening of Parking Area #1**





**5. Parking Area #1**



**6. Entrance to Day Care—Rear of House, Not Visible from Street**



7. Playground Area—South East Corner, Fenced In



8. Playground Area—North East Corner, Fenced In



**9. Signage to Display at Entrance**

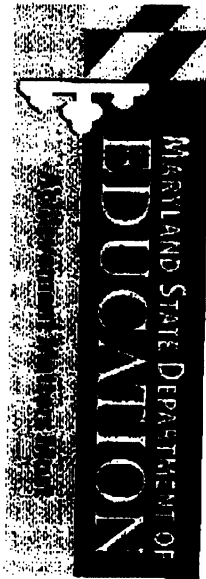
Measurements of Sign: 36" wide x 24" high

Material: Aluminum

Photo of sign:



POST IN CONSPICUOUS PLACE - This Certificate of Registration is not transferable to another person, address, or location.



State of Maryland - Department of Education  
Office of Child Care  
**CERTIFICATE OF REGISTRATION**

Region: 5  
County: MONTGOMERY  
Registration Number: 153523  
Registered Provider since:  
09/17/2008

This certifies that **Patricia Edelen** is registered to operate a Family Day Care Home  
at: **6705 Connecticut Avenue, Chevy Chase, MD 20815**

The Office of Child Care issues this Certificate of Registration pursuant to Family Law Article, Sections 5-530 through 5-558, and COMAR 13A.14.01.

Issued on:	09/17/2008	Approved for type of Childcare in Care:	Under 2 years old *	2	Approved Hours of Operation:	Days:	YES	Accredited:	NO
Revised on:			2 years through 5 years old	YES	Evenings:	NO	Accrediting Agency:		
Expires on:	09/17/2010		5 years through 12 years old	YES	Overtime:	NO			
Status:	Partial - Full		13 years through 20 years old	NO	Weekends:	NO			

Maximum number of family day care children approved for care at one time: **8**

This Certificate of Registration is issued to the provider named above on condition that the provider agrees to comply with all applicable family day care laws and regulations. Failure to comply with applicable laws and regulations may result in an enforcement action against the Certificate of Registration, including but not limited to suspension or revocation of the Certificate or denial of a new Certificate. The provider must surrender this Certificate to the Office of Child Care upon suspension, revocation, voluntary closure, or denial of a new Certificate.

\* No more than two children under the age of two, including the provider's own children, may be in care at any time unless approved in advance by OCC.

**RESTRICTIONS/COMMENTS:** Co-Provider is Stephen Edelen. Napping approved in basement rec rooms only. Gift items are the basement office, laundry room, mechanical room, storage room, closets, and the rest of the home.

**Nancy S. Grassnick**  
State Superintendent of Schools  
Maryland State Department of Education

June 10, 2010

**Memo**

To: Carlton Gilbert  
Development Review

Via: Bill Barron  
Team Leader  
South Central Corridor

From: Nkosi Yearwood  
South Central Corridor

Re: Special Exception 10-01  
Child Daycare Center

---

**Staff Recommendation:** Approval with the following conditions:

- The applicant must adhere to the County's Noise Ordinance, Chapter 31 B.
- The applicant must adhere to all Montgomery County and State of Maryland child daycare requirements.

Background

The proposed special exception is for a child daycare center located at 6705 Connecticut Avenue in Chevy Chase. There is an existing daycare home for eight children at the property as a permitted use. The proposal will add 16 children to the property. There are existing child daycare centers at religious institutions within close proximity to the proposed use, including All Saints Child daycare at Chevy Chase Circle.

Master Plan Recommendations

The proposed child daycare center is consistent with the recommendations of the Bethesda Chevy Chase (1990) Master Plan. The Plan supports the location of child daycare centers in residential and employment settings. It notes that "by utilizing existing dwelling units, they require minimal additional capital investment to provide services. The family day care homes are currently permitted and development of small centers should be encouraged" (p.155). The existing dwelling will accommodate the additional 16 children without any new construction.

The Master Plan notes that "there has been an influx of young families with children into the Planning Area. The demand for child day care in the Bethesda-Chevy Chase area is increasing due to a growing child population (ages 9 and under) and the high level of employment. The

increasing numbers of both children of residents and employees will likely require additional child day care facilities (p.155). As proposed, the expansion from a family daycare home to a child daycare center will achieve the intent of the Master Plan to provide child daycare centers.

The Master Plan establishes several guidelines for reviewing special exceptions. The guidelines are to:

- Avoid excessive concentration of special exception and other nonresidential land uses along major highway corridors.
- Avoid over-concentration of commercial service or office-type special exception uses in residential communities.
- Protect major highway corridors and residential communities from incompatible design of special exception uses.
- Support special exception uses that contribute to the housing objectives of the Master Plan (p.31-33).

There are no existing special exceptions within proximity to the proposed use, and no new construction is proposed. Therefore, no excessive concentration of special exceptions will occur and existing compatibility with the neighborhood will be retained.

#### Community Concerns

Representatives from Village of Chevy Chase Section Three met with planning staff and noted their objections to the proposed expansion. Creating a precedent for the community; traffic on neighborhood streets, such as Raymond Street and Shepherd Street; noise from additional children playing outdoors; and negative impact on property values were the reasons they opposed the application.

The applicant has addressed some of these issues by establishing three different groups of arrival of children beginning at 7:45 a.m. and ending at 10 a.m. For outdoor play, the applicant has limited the number of children playing outdoors from 10 a.m. to noon and from 4 p.m. to 5 p.m. in two groups of 12. Six children out of 24 children will be in a half-day care program. These children will leave the property by 1:30 p.m. that contributes to reducing impact on neighboring streets and noise.

#### Conclusion

Community Planning staff recommends the approval of proposed child daycare center.



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

June 17, 2010

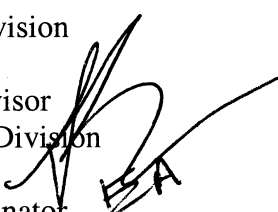
**MEMORANDUM**

TO: Carlton Gilbert, Planner  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning Division

FROM: Ed Axler, Planner/Coordinator  
Transportation Planning Division

SUBJECT: Chevy Chase Reggio - Child Day Care Facility  
Board of Appeals Petition No. SE-10-1  
6705 Connecticut Avenue, Chevy Chase  
Bethesda/Chevy Chase Policy Area



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This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Board of Appeals petition. The Petitioners are proposing to increase the number of children from 8 to 24 at their existing child day care facility.

The DISCUSSION section below includes staff's responses to the concerns expressed by representatives of "Section 3 of the Village of Chevy Chase" and the applicable concerns identified in the draft "Traffic Issues" -- dated June 2, 2010 prepared by the Petitioner's traffic engineering consultant. Some of the traffic concerns stated in the "Traffic Issues" are no longer relevant because the Petitioners revised the statement of operations to address these initial concerns.

**RECOMMENDATIONS**

We recommend the following conditions as part of the APF test for transportation requirements related to the approval of the subject Board of Appeals petition:

1. The Petitioners must limit the special exception use to a child day care facility for a maximum of 24 children.
2. The Petitioners must restrict the scheduled child drop-off and pick-up to a maximum of 9 children within a 45-minute time period.

3. The Petitioners must upgrade the driveway from Connecticut Avenue (MD 185) so that the sidewalk crossing will be ADA compliant in accordance with the Maryland State Highway Administration's (SHA) standards.

Staff finds that the proposed special exception use satisfies the Local Area Transportation Review and Policy Area Mobility Review tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian movements.

## **DISCUSSION**

### **Existing and Master-Planned Transportation Conditions**

#### Site Location

The subject site is located on the east side of Connecticut Avenue between Rosemary Street-Raymond Street and Bradley Lane (MD 191 west of Connecticut Avenue).

#### Vehicular Access Point

The vehicular access point is a right-turn-in/right-turn-out only access from Connecticut Avenue. The existing 20-foot-wide driveway from Connecticut Avenue was reviewed by SHA and satisfied their standards. The existing gated driveway has a separated pedestrian access point that results in reducing the vehicular access width to 16 feet. This width should be sufficient for the following reasons:

1. Only nine cars are projected to enter and leave the site over a 45-minute time period. Thus the likelihood of one car to be entering the site while another car is leaving the site should be minimal.
2. The design vehicle dimension of a typical passenger car is 7 feet wide according to the American Association of State Highway and Transportation Officials (AASHTO). Thus 16 feet is sufficient width to fit two cars.

#### Available Transit Service

The Friendship Height Metrorail Station is located approximately 3,600 feet south of the subject site. Ride-On routes 1 & 11 and Metrobus route L-8 operate along the Connecticut Avenue and provide transit service to the Friendship Height Metrorail Station. The bus stop is located on the north leg of the Connecticut Avenue/Rosemary Street-Raymond Street intersection.

#### Pedestrian Facilities

A six-foot wide sidewalk exists along the site's Connecticut Avenue frontage. The nearby intersection of Connecticut Avenue/Rosemary Street-Raymond Street has marked crosswalks on



the northern and western legs. The nearby intersection of Connecticut Avenue/Bradley Lane also has marked crosswalks on the southern and western legs.

### Master-Planned Roadways and Bikeway

In accordance with the *Bethesda/Chevy Chase Master Plan* and the *Countywide Bikeway Functional Master Plan*, the nearby master-planned roadways and bikeway are as follows:

1. Connecticut Avenue is designated as a six-lane major highway, M-7, with a recommended 120-foot-wide right-of-way and no bikeways.

The current right-of-way along the property frontage is 105 feet. If this was a preliminary plan of subdivision case, the Petitioners would be required to dedicate 15 feet of right-of-way along Connecticut Avenue.

2. Bradley Lane:
  - a. West of Connecticut Avenue is designated as a primary residential street, P-4, with a recommended 70-foot-wide right-of-way.
  - b. East of Connecticut Avenue is not listed in the *Bethesda/Chevy Chase Master Plan*.
  - c. West and east of Connecticut Avenue, a signed shared roadway, SR-1, is designated along Bradley Lane between Wisconsin Avenue (MD 355) and Brookville Road (MD 186).
3. Brookville Road is designated as a primary residential street, P-5, with a recommended 70-foot-wide right-of-way and a signed shared roadway, SR-4

### Existing Condition of the Section 3 of the Village of Chevy Chase's Streets

The site is located in the southwest corner of the "Section 3 of the Village of Chevy Chase". The roadways within the Village are the narrowest in Montgomery County with only 16 feet of paved travelway. In addition, parking is permitted on one side of the Village's two-way roadways and results in having only one through travel lane when parked vehicles are present. School buses serving the Rosemary Hill Elementary School, Chevy Chase Elementary School, Pyle Middle School, and Bethesda/Chevy Chase High School must travel some of the Village's narrow roadways to pick-up and drop-off children. The narrowness of these roadways tends to discourage non-local traffic from regularly using the Village's east-west streets to cut-through between Connecticut Avenue and Brookville Road.

## Local Area Transportation Review (LATR)

### Site Generated Peak-Hour Vehicular Trips

The Petitioners proposed the following schedule to reduce the traffic impact generated by the child day care center's expansion from 8 to 24 children:

1. A staggered weekday drop-off and pick-up time periods for separate groups of children as follows:
  - a. Group A with nine full-day children: Drop-off between 7:45 & 8:30 a.m. and pick-up between 5:00 & 5:45 p.m.
  - b. Group B with nine full-day children: Drop-off between 8:30 & 9:15 a.m. and pick-up between 5:45 & 6:30 p.m.
  - c. Group C with six half-day children: Drop-off between 9:15 & 10:00 a.m. and pick-up between 12:15 & 1:00 p.m.
2. For the four staff persons:
  - a. Two live on site, the Petitioners.
  - b. Two new non-resident staff persons with proposed scheduled work hours from 7:45 a.m. to 5:45 p.m. and from 9:00 a.m. to 5:00 p.m.

The resultant numbers of children and staff persons are summarized below:

Child Day Care Facility	Number			
	Children		Staff Persons	
	Morning	Evening	Morning	Evening
Existing Facility	8	8	2	2
Increase- Proposed Expansion	+16*	+10*	2	2
Total - Proposed Expansion	24	18	4	4

\* Six children are proposed to be in a half-day program that ends at noon.

The increase in peak-hour trips as the result of additional 18 children during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.) is shown in the table below. The trip-generation rates in the *Local Area Transportation Review and Policy Area Mobility Review Guidelines* are based on a minimum threshold of six employees. Therefore, the Institute of Transportation Engineers' (ITE) *Trip Generation Report* was used to estimate the peak-hour trips generated by this child daycare facility that has only four employees. The total trips include the new, diverted, and pass-by trips. Pass-by and diverted trips are those trips that are already on the road and drop-off/pick-up their children at the subject site on their way from other origins or destinations.

Peak-Hour trips	Weekday Peak Hour	
	Morning	Evening
Existing	10	10
Expanded	10*	4*
Total	20	14
Pass-by & Diverted	18	13
Net New	2	1

\* Six children are proposed to be in a half-day program that ends at noon.

Although the expanded child daycare facility would result in doubling the total number of morning peak-hour trips, 80% of these vehicular trips are diverted or pass-by trips. Thus, the additional new trips would be less than three and considered to be a de minimis traffic impact under the *Growth Policy* standards.

#### Impact of the Traffic Generated by nearby Similar Land Uses

Community representatives expressed concern regarding the cumulative effect of traffic when combined with the traffic generated by the two nearby existing schools. The traffic impact by these nearby schools and mitigating factors are discussed below:

1. A half-day morning pre-school program is operated by the Chevy Chase United Methodist Church. The Church is located two blocks north of the site on the north side of Shepherd Street between Connecticut Avenue and Delaware Street. The pre-school program has approximately 11 classes with approximately 135 students starting between 9:00 & 9:15 a.m. and ending between 12 noon & 12:15 p.m. Parents pick-up or drop-off their children at the designated areas off Shepherd Street and some may leave by turning right onto Delaware Street (i.e., parallel to Connecticut Avenue) and then right onto westbound Raymond Street towards Connecticut Avenue.

The Groups B and C morning drop-off time periods proposed by the Petitioners would occur during the same time when the parents drop-off their children to the Church's pre-school. The Village's representatives were concerned that parents would temporarily park on Raymond Street to walk their children into the subject child daycare facility. The volume of westbound traffic on Raymond Street generated by the Church's pre-school and the street's narrowness should deter such temporary parking. In addition, the number of proposed parking spaces on the subject site should satisfy the parking demand generated by the expanded child daycare facility according to the County Zoning Ordinance.

2. The Chevy Chase Elementary School is located one block away on the north side of Rosemary Street, west of Connecticut Avenue. The Elementary School's hours start at 8:50 a.m. and end at 3:05 p.m.

The Group A morning drop-off time period proposed by the Petitioners would occur during the same time when the parents drop-off their children to the Elementary School. An existing crossing guard supervises the students walking across Connecticut Avenue between Raymond Street and Rosemary Street.

Thus, the traffic generated by the expansion of the existing child daycare facility would not adversely impact the existing traffic generated by these two nearby schools because of the mitigating factors above.

#### On-Site Parking and Vehicular Circulation

For the proposed 24-child daycare children, the Petitioners propose 11 on-site designated parking spaces broken down as follows:

1. Staff Persons Parking:
  - a. Two spaces in the existing garage for the two Petitioners who would be staff persons living on site.
  - b. Two spaces for the two non-residential staff persons.
2. Seven spaces for parents/guardians to temporarily park while dropping off or pick-up their children.

The Petitioners are providing three on-site parking spaces more than what is required as a minimum in the County Zoning Ordinance and, therefore, adequately accommodates the number of parking vehicles on site. Typically, children drop-offs take only 4 to 5 minutes in the morning and pick-ups take only 6 to 7 minutes in the evening. Thus, parents/guardians should have no reason to park on the nearest side street (i.e., narrow Raymond Street) and walk to the child day care facility to drop-off/pick-up their children as expressed by the Village's representatives.

The designated spaces for the non-resident staff persons and parents are proposed along the 20-foot wide driveway from Connecticut Avenue and a connecting 15-foot-wide paved area parallel to Connecticut Avenue. The 20-foot-wide driveway satisfies SHA's minimum standard for a small commercial driveway from a State roadway.

The Village's representatives were concerned that the narrow travel lanes on Connecticut Avenue made it difficult to turn right into the site. However the current parents have been turning into the site plus the traffic signal at the intersection south of the site's curb cut create gaps in traffic.

Finally, the proposed on-site parking area has adequate maneuvering area for the parents/guardians to pull in and out of the designated parking spaces without any difficulty.

#### Nearby Intersection Congestion Levels

A traffic study is not required to satisfy LATR because the proposed special exception use generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods. Even though a traffic study was not required, the existing congestion levels at the

nearest intersections on Connecticut Avenue (i.e., available from SHA’s most recent data) are shown in the table below:

Intersections with Connecticut Avenue	Weekday Peak Hour (Critical Lane Volume)	
	Morning	Morning
Rosemary Street-Raymond Street (to the North)	1,201	806
Bradley Lane (to the South)	1,516	1,577

The existing critical lane volume values at both intersections are below the 1,600 congestion standard for these intersections located in the Bethesda/Chevy Chase Policy Area.

Off-Site Vehicular Circulation

The median on Connecticut Avenue across the subject site frontage restricts site access to right turns in and right turns out only. Due to this site access restriction, a few trips coming from or going back to the south (or north), must turnaround or make a U-turn along Connecticut Avenue north (or south) of the site.

1. For those parents traveling to and from the south

All turns from Connecticut Avenue onto eastbound Raymond Street (i.e., the next street north of the subject site) are prohibited from 4 to 6 p.m. Thus they cannot “circle block” within the “Section 3 of the Village of Chevy Chase” during weekday evening peak hours.

Although no separate left-turn lane exists for northbound Connecticut Avenue onto Rosemary Street, the traffic signal timing provides a lagging protected left turn phase (i.e., stopping the southbound traffic). The latest signal timing data gives the northbound left turn phase 11 seconds during the weekday morning peak hours and 16 seconds during the weekday evening peak hours. The protected northbound left turn phase is especially important during the weekday morning peak period when minimal opportunities are available to turn left against the heavy morning southbound traffic flow on Connecticut Avenue into Washington DC.

2. For those parents traveling to and from the north

Left turns and U-turns from southbound Connecticut Avenue at the intersection with Bradley Lane are prohibited. In addition, the evening traffic flow is heavy on northbound Connecticut Avenue from Washington DC during the weekday evening peak period.

For the motorists wanting to make left turns and U-turns from southbound Connecticut Avenue, left turns and U-turns south of Bradley Lane are permitted -- at the intersections with Quincy Street, Primrose Street, Oxford Street, or Newlands Street.

## **Policy Area Mobility Review (PAMR)**

The subject site is located in the Bethesda/Chevy Chase Policy Area where the mitigation requirement is 30% of the new peak-hour vehicular trips. However, PAMR trip mitigation is not required because the child day care center generates fewer than three new peak hour trips within the weekday morning and evening peak hours as shown on the table above.

EA:tc

cc: Dave Freishtat  
Corren Giles  
Carl Starkey

mmo to Gilbert re SE-10-1 6705 Conn Ave.doc



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

**MEMORANDUM**

**TO:** Carlton Gilbert, Planner Coordinator, Development Review

**VIA:** Stephen D. Federline, Master Planner, Environmental Planning

**FROM:** Lori Shirley, Planner Coordinator, Environmental Planning

**DATE:** June 14, 2010

**SUBJECT:** Special Exception No. SE-10-1- Child Day Care Center

**LOCATION:** 6705 Connecticut Avenue, Chevy Chase

---

**RECOMMENDATION AND FINDINGS**

Environmental Planning staff recommends **approval** of the above referenced Special Exception No. SE-10-1 for a Child Day Care Center.

Environmental Planning staff believes this application will not conflict with the required findings in Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance, more specifically, as it relates to the proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity.

**Background/Proposal**

The site is one lot and contains 0.50 acres. The site is located on the east side of Connecticut Avenue approximately 350 feet north of its intersection with Bradley Lane in Chevy Chase. The site is in the Bethesda-Chevy Chase Planning Area and is zoned R-60. The proposal is for a child day care center in an existing three-story, single-family house (and a former embassy) built in 1977. The applicants reside on-site and currently operate a day care center for 8 pre-school age children.

The purpose of this memo is for a determination to be made regarding required findings in Section 59-G-1.21(a)(6) of the Montgomery County Zoning Ordinance as these relate to the proposed special exception.

**Special Exception Required Findings**

Section 59-G-1.21(a) (6) of the Montgomery County Zoning Ordinance reads as follows:

- (6) *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.*

A revised Petitioner's Statement of Operations was received on May 20, 2010 and it addresses the required findings in Section 59-G-1.21(a) (6). The Statement specifies anticipated noise from daily outside playground areas (during three of the four seasons and other than inclement weather) will be confined to the rear yard. Groups of children (by age) will have staggered

recess/play times of 45 minutes daily. The Statement notes noise from outdoor recess activities is an inherent part of a child day care use and is consistent with the surrounding residential neighborhood. The playground area totals 7,120 square feet of grass/lawn area including an assortment of play equipment and a 1,050 square foot flagstone patio. The four outdoor play areas were designed to allow children to spread out at recess time to minimize concentrated laughter and voices in a single area. The property is enclosed with an existing six-foot high stockade fence along with trees and plantings (in the rear yard) which serve as visual and sound buffers.

The revised Statement also addresses noise from existing mechanical equipment (i.e., heating/ventilation and central air conditioning (HVAC) units). The applicants will not add any new HVAC equipment to the exterior of the residence for the requested use. All exterior air conditioning equipment is located on the south side of the property separated from the playground by a four-foot high picket fence approximately 150 feet from the rear property line.

The applicants provide daily snacks to the children and parents prepare daily lunches that are brought to the facility with the children. There will be no delivery vehicles to the site for delivery of meals, food supplies, etc., other than periodic parcel delivery typical of residential receipt of mail and packages.

A Landscape and Lighting Plan shows outdoor lighting intended for safety as needed. The day care center's hours of operation are predominantly during daylight hours when illumination is not necessary. The applicants don't intend to over-illuminate the property because it is their residence.

A meeting was held on June 4, 2010 with two representatives from the Town of Chevy Chase Village, Section 3 and Planning Department staff. The representatives explained three main concerns about the request from residents in Section 3, one of which was increased noise from the outdoor playground during recess. An unidentified neighbor whose property is contiguous to the Applicants was described as opposed to the request due to increased noise from the playground. In addition, the neighbor was also described as in opposition to the noise from the existing eight-children currently enrolled at the day care facility.

At the June 4, 2010 meeting, four letters were also distributed to staff, three from Section 3 residents and one letter from the Town's legal counsel (Mr. David R. Podolsky). Two of the resident letters support the request from Melissa and Greg Gilmore of 3612 Shepherd Street and Jonathan Caldicott of 6707 Connecticut Avenue. Mr. Caldicott's letter stated: "We are not bothered by the sounds of children playing next door, nor the prospect of more small voices." The third resident letter from Carolyn Vogel Benson and Jeffrey Lloyd Benson of 6811 Connecticut Avenue is in opposition to the request. The Benson's letter did not include concerns for noise impacts as a basis of their opposition. The submission of these four letters did not include a letter from the neighbor identified at this meeting,

The revised Statement addresses the required findings in Section 59-G-1.21(a) (6) and staff supports the visual and sound buffers along the rear property line as sufficient, together with the staggered play times as proposed.



**Forest Conservation/ Environmental Guidelines**

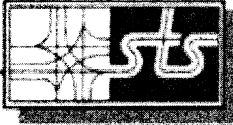
The Forest Conservation Law does not apply to the lot because it is a special exception on a tract of land less than 40,000 square feet (per Section 22A-4(b)).

The site is in the Lower Rock Creek watershed, designated as Use I / I-P waters. There are no streams, wetlands, floodplain and environmental buffers on-site. The *Countywide Stream Protection Strategy (CSPS)* identifies this subwatershed (Lower Mainstem E/W Highway) as having poor water quality.

**Stormwater Management**

No changes or alterations are proposed to the exterior of the existing residence. Stormwater will drain into the existing public storm drainage system.

SDF:LS



**Street Traffic Studies, Ltd.**

—————  
**TRAFFIC BRIEF**

**6705 CONNECTICUT AVENUE**

**CHILD DAY CARE FACILITY**

**MONTGOMERY COUNTY, MARYLAND**  
—————

**Prepared For:**

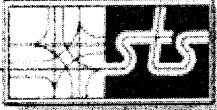
**Patricia and Stephen Edelen, Applicant**

**Date: May 18, 2010**

**Project Manager: Carl F. Starkey, P.E., PTOE**

**STS Job No.: 5868**

Patricia Edelen Special Exception 10-01 Exhibit <u>  F  </u>
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## Street Traffic Studies, Ltd.

May 18, 2010

Mr. Shahriar Etemadi  
Maryland-National Capital Park &  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: 6705 Connecticut Avenue  
Child Day Care Facility  
STS Job No.: 5864

Dear Shahriar :

I am writing in relation to the above referenced project located immediately north of the intersection of Connecticut Avenue and Bradley Boulevard, in the Chevy Chase area of Montgomery County, Maryland. The general site location is shown in Exhibit 1.

The purpose of this traffic brief is to provide a limited Comprehensive Transportation Review for a project which will generate 30 or fewer peak hour trips during both the morning and evening weekday peak hours of the adjacent street system. The site currently serves eight (8) children as a family day care home, and the proposed project will consist of increasing the number of children served from 8 to 24 within the existing Day Care operation presently on-site. The subject property has an existing three story single family home with approximately 10,900 square feet of space. Parking for eleven (11) vehicles is proposed to serve the Day Care facility.

As outlined in the guidelines for the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, a comprehensive traffic analysis is not required when a proposed development generates less than 30 peak hour trips. To establish the trip potential of the site, Street Traffic Studies, Ltd (STS LTD) reviewed trip generation rates from both the Institute of Transportation Engineers publication, *Trip Generation, 8<sup>th</sup> Edition*, and *Local Area Transportation Review and Policy Area Mobility Review Guidelines* pursuant to the local LATR guidelines.

Mr. Shahriar Etemadi  
Page Two  
May 18, 2010

The resulting trip totals are presented in Table A. As shown in Table A, the project will generate a maximum of 10 total peak hour trips under any of the categories listed. Therefore, the LATR requirement is satisfied by submission of the above discussion

With respect to the Policy Area Mobility Review (PAMR), the site is located in the Bethesda/Chevy Chase Policy Area. Thus, thirty (30) percent of the new trips generated must be mitigated as outlined in the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*. However, in accordance with the language on the bottom of page 7 of Montgomery County Resolution #16-1187:

“An applicant for a preliminary plan of subdivision need not take any action under TP Policy Area Mobility Review if the proposed development will generate 3 or fewer peak-hour trips.

As shown in Table A, the project will generate 3 or fewer new trips. Therefore, the PAMR requirement is satisfied for the project.

#### Site Circulation

As part of the review of the site layout, STS LTD conducted an on-site observation of arrivals and departures on Wednesday, May 12, 2010, between the hours of 8:00 - 8:50 AM. During the observation period, six (6) vehicles and one walk-in were observed to enter the site. All movements were performed in a safe and efficient manner. That is, vehicles were able to safely maneuver within the property boundaries.

The applicant has established a grouping of arrivals/departures to ensure adequate circulation on-site; i.e., arrivals and departures will be divided into 3 distinct groups with different time slots for each. Each time slot will be 45 minutes and only 6 to 9 vehicles will be allowed to enter the parking area during each time slot. Based on the site observations it is unlikely that the maximum of 9 vehicles will arrive at the day care facility at the exact same time. Thus, with 7 available parking spaces, it is reasonable to expect that every arriving parent will have a parking space when needed.

Mr. Shahriar Etemadi

Page Three

May 18, 2010

I trust the above discussion provides the necessary information to satisfy both the LATR and PAMR Review. Should you have any questions or comments regarding the above information, please do not hesitate to call.

Sincerely,

*Carl F. Starkey*

(72)

Carl F. Starkey, P.E., PTOE

Sr. Transportation Engineer

cc: Ed Axler  
Stephen Edelen  
Anne Marie Vassallo, Esq.

**TABLE A  
SITE TRIP GENERATION**

<b><u>LAND USE</u></b>	<b><u>MORNING PEAK HOUR</u></b>			<b><u>EVENING PEAK HOUR</u></b>		
	<b><u>IN</u></b>	<b><u>OUT</u></b>	<b><u>TOTAL</u></b>	<b><u>IN</u></b>	<b><u>OUT</u></b>	<b><u>TOTAL</u></b>
<b><i>Generation Rate</i></b>						
<b><i>ITE#565</i></b>						
<b><i>Generation Rate</i></b>						
<b>Trips/Employee</b>	2.31	2.60	4.91	2.54	2.25	4.79
<b><i>Generated Trips</i></b>						
<b><i>Generated Trips</i></b>						
<b>Trips/2 emp<sup>1</sup></b>	5	5	10	5	5	10
<b>Pass-By<sup>2</sup></b>	1	2	3	1	0	1
<b>Diverted</b>	3	1	4	2	4	6
<b>New Trips</b>	1	2	3	2	1	3

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<sup>1</sup> Total number of new employees.

<sup>2</sup> Taken From MNCPPC Table A-9 of the *Local Area Review and Policy Area Mobility Review Guidelines*.



*Exhibit 1  
Site Location*



STREET TRAFFIC STUDIES, LTD.

Melissa and Greg Gilmore  
3612 Shepherd St.  
Chevy Chase, MD 20815



Hearing Examiner  
Office of Zoning  
Montgomery County  
100 Maryland Avenue, Room 200  
Rockville, MD 20850

Dear Hearing Commissioner:

We voice our opinion strongly in favor of the Edelens' plans for their Reggio-Emilia preschool. Not only are we voices of young families in Section 3, but 2 of our children formerly attended the school.

First, as a Section 3 family, we feel all the amenities this neighborhood offers makes it the most special place to live in the area: walkable retail at the Brookville center, church (WITH A PRESCHOOL), and public playgrounds and outdoor space for people and pets. Were those amenities not zoned into this neighborhood by those who came before us, Section 3 just wouldn't be the same place. Those public use amenities could have been excluded for any of the reasons noted below (traffic, precedent, noise, property values) as ostensible "cons" to a preschool. Every one of them, as well, could have been killed by NIMBY-ism. But they weren't and I believe we would be hard-pressed, after the fact, to find neighbors who are bitter about their establishment in Section 3. These well-rounded neighborhood benefits add not only value but enjoyment. Likewise for the Edelens' school: a wonderful benefit - maybe not firsthand useable by all, just like the other public amenities I mention above (e.g., I am afraid of dogs so I stay out of Gazebo Park when its dog time, but I see the dog park value to others) - but valuable and beneficial to the larger community. To have such a safe haven in our own little world may be the most important added value to our community of working families.

Second, as parents of former students of the Edelens, we have firsthand knowledge of the excellent care and values the Reggio brings to this neighborhood. To have our children walk to their preschool, waving to the neighbors and talking about the big trees and houses alone was a great experience. But seeing the love and affection given to all the children - in a home-like environment, and even with a big backyard, truly amazed me. The Edelens treat the children like their own, while providing the Reggio-Emilia style instruction that has been studied and proved as an incredibly beneficial early childhood learning experience. They are good people providing an invaluable service to

EXHIBIT NO. 18  
REFERRAL NO. SE 10-1



our community. In fact, not a week went by that another parent in the neighborhood would ask me, as I walked my kids to and from the school, how I was so lucky to get one of the few available spots at the school and how they could get their own children in!

Finally, some neighbors' objections appear self-serving at best. For example, increased traffic on Connecticut or the surrounding streets? Parents already park there to take their older children to their school bus stops - the location of those stops in the community benefit them, so that traffic is acceptable? The impact on property values; I believe it will increase property values just like Gazebo Park and the Brookville Market do. If anyone would like to make a case it will decrease property values, please provide substantive evidence or concede the complaint is merely speculative. Increased noise - I believe the Edelens have agreed to have no more children outside at one time than they currently do; so this point is moot.

High-quality, accessible care for young children is a necessary bedrock of educated, working families. These are the families of this community. What the Edelens offer is the finest care, in the most comfortable setting, for our children - the greatest resource a strong and kind community can provide. Chevy Chase Reggio is exactly the grassroots, community-based fulfillment of family needs that this country needs. It is our great hope that NIMBY-ism and the self-interest of some do not derail this benefit. We genuinely hope to see in this instance the intelligent and gracious behavior we have come to expect from this extraordinary community.

Thank you very much.

Melissa & Greg Gilmore

A handwritten signature in black ink, appearing to be 'mg' with a large, sweeping flourish that loops back down and to the left.

May 4, 2010.

Hearing Examiner  
Office of Zoning  
100 Maryland Avenue, Room 200  
Rockville, MD 20850



**RE: Proposed Special Exception Use at 6505 Connecticut Ave, Chevy Chase, MD**

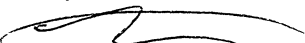
We presently live immediately adjacent to the above cited property for which the exception is requested.

We believe that what is being proposed would be to the benefit of the community and we are supportive.

There is currently a shortage of daycare and pre-school spaces in our community within walking and biking distance. We are presently renting the property at 6707 Connecticut but would expect to pay a premium either in property values or rent to live in a community with easier access to child care and other commercial conveniences within walking distance.

We are not bothered by the sounds of children playing next door, nor the prospect of more small voices. We don't consider traffic will be an issue. The only entrance to the property is on Connecticut Ave (Maryland Highway 185) – already a very busy, noisy regional artery that already clearly constitutes an exception to every other street in this community. The additional traffic flow on this major highway resulting from the dropoff of potentially an additional 16 children should be inconsequential and existing or tightened traffic restrictions on Raymond Street and/or other cross streets should deter any spillover into the quieter local streets.

Best,

  
Jonathan Caldicott  
6707 Connecticut Ave  
Chevy Chase MD  
20815

107  
SE-10-1

Letter to Chevy Chase Section 3

**MR. AND MRS. STEPHEN R. EDELEN  
6705 CONNECTICUT AVENUE  
CHEVY CHASE, MD 20815**

April 16, 2010

Mr. Bill Brownlee  
Council Chairman  
Section 3 of the Village of Chevy Chase  
3606 Shepherd Street  
Chevy Chase, MD 20815

Dear Bill,

Thank you for giving us the opportunity to speak at the council meeting Wednesday night. It was also good that one of our neighbors was at the meeting so we could address her questions as well.

A number of excellent ideas were discussed that may resolve some of the concerns. We fully support pursuing these solutions further.

Topic: Traffic Engineer

The Council suggested hiring a traffic engineer to look at the impact of pass through traffic on Section 3 streets and impact along Connecticut Avenue, especially. In the spirit of cooperation, we would appreciate having a chance to review his preliminary report before submitting to Park and Planning so we can possibly suggest ways to resolve any concerns that he identifies. Would this be possible?

Topic: Pass Through Traffic Down Raymond Street

Our house sits just south of Raymond Street. One of the concerns raised in the meeting was the potential that parents might turn right (heading East) on Raymond Street after dropping off children. In our experience, we do not observe parents doing this currently. In fact, Raymond is such a narrow and congested street; it's not really practical for parents to use Raymond especially in the morning.

However, as was suggested in the meeting, we support the idea of prohibiting right hand turns from Connecticut Avenue from 8 am to 9:30 am. That intersection already prohibits right hand turns from 4:30 pm to 6:00 pm. This solution would effectively and efficiently prevent day care parents from using Raymond as a pass through street. Moreover, since congestion is already such an issue, this would be a worthwhile improvement to consider with or without our day care expansion.

Patricia Edelen Special Exception 10-01 Exhibit <u>H</u> , page <u>1</u>
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Topic: Parking on Raymond Street

A concern was raised that some parents may park along Raymond Street rather than use the ample off-street parking we are providing on site.

In our experience over the past year and a half, parents do not park on Raymond Street. Moreover, congestion along Raymond makes it impractical for parents to park on that street, especially in the morning. In addition, we would be happy to stipulate in our contracts with parents that they are not allowed to park on Raymond Street.

However, in the unlikely event that parking on Raymond Street ever became a problem, the Council already has the power under Section 6-401 and Section 8-206 of the Ordinances to prevent unauthorized, non-resident parking in designated areas. The Council was wise to enact these ordinances years ago and fortunately they are available to ensure that our proposed special exception use would not crowd out parking for residents.

In conclusion, we appreciate the opportunity to discuss our proposed special exception with the Council. We recognize that the issues of parking, traffic, and congestion are very important to assess and we expect professionals will be able to advise all of us on these matters.

Beyond these technical issues, however, we hope the Council will take a broader view of how this proposed expansion contributes to the comfort, welfare, and morals of our community. Section 3 is already known for being a wonderful family friendly place to live. As residents, we spend a sizeable portion of tax funds on many worthwhile events geared toward children. This commitment to families not only enriches the lives of existing residents, it also makes Section 3 a more attractive place for future residents—and in no small way helps support our tax base and property values.

We believe our proposed expansion is something to embrace and is consistent with the spirit of this community. It is a good thing for residents and future residents to know they have more child care services available to them nearby. We hope the Council will keep this in mind as we wind our way through this special exception process.

All the best,

Stephen Edelen

Patricia Edelen

Patricia Edelen Special Exception 10-01 Exhibit <u>H</u> , page 2
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## SECTION 3 OF THE VILLAGE OF CHEVY CHASE

P.O. BOX 15070

CHEVY CHASE, MD 20815

301 656-9116

[www.chevychasesection3.org](http://www.chevychasesection3.org)

June 18, 2010

TO: Carleton Gilbert

Md. National Park and Planning

FROM: William H. Brownlee and the Village of Chevy Chase Section 3 Council

RE: Edelen Special Exception Use Application

We have reviewed the revised detailed Edelen Special Exception Use supplement to the Petitioner's Statement. It raises a number of issues to which we would like to respond.

In addition, given the unprecedented nature of this application for our community, we have surveyed our residents for their opinion on the proposal. We have provided you with copies of all the responses we have received to date, which overwhelmingly expressed concerns about the proposed expansion of the daycare center including implications for parking, traffic, noise and property values.

As a result of the significant concerns raised by our residents and the results of our independent traffic study (sent under separate cover) the Section 3 Council does not endorse this Special Exception Use application.

### **Parking and Circulation**

#### **Capacity**

In their submission, the Edelens state that their existing parking areas are more than sufficient for the intended use, pointing out that "It should be noted that these parking areas, having previously been used for an Ambassador's residence for 30 years, were laid out to serve far more visitors, staff, and occupants than the Edelens' use will create." But there is a significant omission of information here: the Ambassador had an entire extra lot dedicated as a parking lot—and that lot is no longer part of the Edelen parcel. We direct your attention to the Edelens original submission Exhibit 3, where the large parking lot formerly used by the Ambassador is clearly drawn on the neighboring lot.

The parking area in front of the Edelen residence is very tight, particularly for those turning around to exit the lot. The Council has not undertaken to check any of the Edelen measurements, however the existing portico and steps are not shown on their drawings of the parking spaces. The measurement of the building line may include the steps and portico but it's not clear from any of their drawings. For a photo of the portico, see photo #5 in Exhibit D.

One of the great concerns of our residents is that because the parking is so tight on the lot and because parents are often in a rush to get to work in the morning and to get home in the evening there will be a great temptation to try to park on Raymond St and walk children into the business. This street is already extremely stressed with rush hour traffic and school traffic to the nearby elementary school across Connecticut Avenue on Rosemary Street. On Wednesday, June 16, in the first block of Raymond Street between Delaware and Connecticut Avenue, we observed 33 vehicles traveling eastbound and 185 vehicles traveling westbound between 7:15 am. and 9:30 a.m. on this narrow 16' wide road, with some cars parked on one side.

We understand that it is not the Edelens intention to use on-street parking for parents or staff. However, given our experience with the Chevy Chase Methodist Church pre-school just a block away, we think this is unrealistic. There, the school has a half day program, staggered drop-off times and rigid requirements regarding the manner in which parents drop off their children. Nonetheless, Section 3 residents have a constant problem of illegal parking while parents just "run in for a minute". Human nature is more likely to take a short cut---something we would like to avoid on already narrow (16' wide) streets with two way travel and parked cars. A number of our residents on Connecticut Avenue and Delaware Street noted that in their emails. According to our traffic study author Joe Cutro in his report to the Council, "The Village has the most geometrically restricted (i.e. the narrowest) streets of any jurisdiction in Montgomery County, with possible exception of Washington Grove. Only two streets in the entire village are wider than 16 feet—Bradley Lane (shared with Chevy Chase Village) at 21 feet, and Taylor Street at 22 feet."

## **Traffic**

The traffic study commissioned by the Edelens does not address the problems of additional pressure on our streets. Moreover, it has come to our attention that Mr. Carl Starkey, the traffic consultant and author of the study, is largely employed as a consultant by Montgomery County's Department of Transportation where he maintains an office, making his contribution ethically questionable. We called the Department of Transportation and were told that Mr. Starkey's office was in the Division of Traffic Engineering and Operations. Given the fact that this submission is to be presented to agencies of the County, having a County-employed consultant drafting a traffic study for the applicant seems to us to be a conflict of interest.

We have sent under separate cover the final draft of our independent traffic consultant report which was based on the earlier version of the Edelen submission with only two groups of students arriving and departing. The report found that the expansion of the business to 24 children would result in a "daily total of 52 events of concern" upon the local street system. To reinforce our concerns, on June 7<sup>th</sup>, an individual leaving the daycare center collided with a northbound car on Connecticut Avenue (police report attached). The vehicle leaving the daycare center had its entire front end damaged and the passenger side of the SUV it hit was also badly damaged, so much so that both cars had to be towed from the scene. Our traffic engineer, unaware of this accident, addressed this very possibility in his study on page 10 where he notes that "The most significant restraint upon movements to and from the driveway, [of 6705 Conn. Ave] however, is the design of Connecticut Avenue itself. The northbound travel way is only 27' wide, and subdivided by markings into three lanes, each 9' wide. Nine foot wide lanes are substandard for a state highway. The combination of the geometrically-restrained driveway and a 9' wide lane on Connecticut Avenue makes it nearly impossible to make a right turn from the

6705 driveway without also encroaching into the northbound center lane.” He goes on to point out other problems with Connecticut Avenue access to the property. Chevy Chase Village just a half block to the south has speed cameras less than an 1/8<sup>th</sup> of a mile away on the northbound side of Connecticut Ave. and in 2009 issued in excess of 20,000 speeding tickets for travel on these narrow lanes. What often occurs is that drivers will slow up to comply with the speed limit where the cameras are installed and then speed up once they are out of that zone, right in front of the subject property, 6705 Connecticut Ave. Our residents have a genuine concern that such incidents will not only take place at the Edelen business, causing traffic back-ups and problems on Connecticut Avenue but also on our interior streets. Because of pick-ups and drop-offs proposed, the risk of such incidents will increase.

The assumption that parents will abide by the traffic laws is unrealistic in this location.

### **Interior Circulation**

The Edelens note that the drive aisle width and parking areas will calm and slow traffic because of the “perception of less width” . The drive aisle *is* narrow. But that doesn’t mean that people will necessarily slow down, even with children present. Just picture the last time you were dropping a child off at a babysitter, a daycare center, a pre-school, an elementary school and you’ve been late for work...it happens, often. And the geometry of the parking provided along with the difficulty of parking on neighboring streets makes the expansion of this home business extremely problematic. The lanes on Connecticut Avenue on the northbound side are only nine feet wide, no one slows because of the “perception of less width” there and as a result, fender benders are common.

There are only 7 spaces reserved for parent parking, if more than 4 arrive and depart at the same time, does this mean a back-up on Connecticut Avenue? We already see some of that in the mornings for the drop-off of children at the Chevy Chase United Methodist Church on Connecticut Avenue. The prospect of someone backing up to get out of their parallel parking space at the same time someone is trying to get into the space—or several people trying to get in is very possible. It probably doesn’t happen much with only 8 children, but multiply that number by three and you have a really difficult maneuvering situation at best. You have to back up in that space to get out because you cannot back into Connecticut Avenue. The applicant has already indicated to the Council that none of their parents walk the children to their business and that there are no Section 3 residents using the facility.

The Edelens are requesting waivers of Section 59-E-2.41 when it seems clear from the layout provided in their revised plan that it might be difficult to have a car turning around at the time another car entered the site. They are also request a waiver of side yard setbacks along the property side boundaries under Section 59-E-2.83(b). In their request for a waiver of the southern boundary requirement that the parking facility should be situated at least twice the side yard setback, they state that “On the south side, the property was subdivided prior to the Edelens’ ownership and the existing pavement continues to the southern property line.” The lot was subdivided by deed but not recorded, and the pavement to which they refer is the continuation of the parking lot that the Nigerians government built on the neighboring parcel which doesn’t belong to the Edelens. The subdivision of that lot took place long after the Edelens and the neighboring owners, the Strauss family acquired the property, during the time that Mr. Edelen maintains the lots were being “aggressively” marketed. More importantly, the parking space they

have tucked in is completely locked in if there are cars parked in front of the house, making access to it during drop off and pick up times difficult. This space is marked Staff #2 on their drawings, which means that individual, according to their own submission, would be leaving at 5:00 p.m., the same time the first set of parents is due to come and pick up their children.

The request for a waiver of Section 59-E. 2.83(b) is because the applicants are trying to shoehorn the required number of parking spaces into a space which the law clearly does not allow, further evidence that the layout is simply too tight.

While turnaround room for 8 children may work adequately, when there are 24 children and two additional staff, the request for a second waiver, this time of Section 59-E-4.5 demonstrates once again, that the law did not envision such tight spaces for some many drop-offs and pick-ups. So not only are the Edelens requesting a Special Exception Use, they are asking for two different waivers because the site does not have adequate space for the number of cars envisioned to be on the site.

### **Description of the Property**

The application indicates that the property owners do not contemplate any new building construction “except as may be required by other state agencies” to accommodate the expanded daycare. However, Mr. Edelen told the Section 3 Council that the current indoor space used for the daycare center is 800 square feet, which would seem to conflict with the space requirements for a daycare center accommodating 24 children. State standards require 35 square feet per child, and therefore 24 children would require 840 square feet. The applicant often mentions the size of the house and has indicated that they can expand the space allocated in the basement if required, but at the same time, they have a “guest house” that has been finished with no apparent purpose at the rear of the house which they specifically told the Council that they would not be using for their daycare program. So we question how it is that they do not envision any new building construction unless an agency requires them to do so when it’s clear they will have to expand the size of the space one way or another if the special exception use for 24 children is granted.

In that same paragraph, the Edelens noted that their next-door neighbors, Jon and Lesley Caldicott of 6707 Connecticut Avenue strongly support the day care center expansion. It should be noted that the Caldicotts rent that property and will be moving shortly to a home they have purchased outside of Section 3. They do not now use the daycare center though they have a child of the appropriate age. The owner of the home in which they reside, which is now on the market, is opposed to the expansion of the daycare center (see both Caldicott and Lopez emails ).

### **Proposed Project**

The Edelens state that they “ have never received any complaints, verbally or in writing, about noise, parking or any other issues from anyone.” Yet both Mr. and Mrs. Edelen were present at a Council meeting where their neighbor, Lanny Johnson, of 3804 Raymond St. said that the noise was so great that she could not use her bedroom in the daytime for a nap. She also sent a letter to the Edelens to that effect after Mr. Edelen apparently misunderstood her and said that she had not complained of the noise. The Edelens received copies of a letter stating that fact from both



Mrs. Johnson and another neighbor, Mrs. Pat Wyman. Mr. Edelen made copies of all these letters himself. (copies in file already delivered to Park and Planning)

### **Hours of Operation.**

The new plan for 18 full day children and 6 half day children is a response to concerns about the traffic generated by the arrival and departure times of the children. The information presented is, however, somewhat confusing. A careful reading would seem to indicate that all drop-offs will be between 7:45 and 9:15 a.m.

In their submission, the Edelens state that the full day students will be coming in two groups—from 7:45 to 8:30 a.m. and from 8:30 to 9:15 a.m. The half day children are supposed to attend from 9:15 to 1 p.m according to their submission (“the half day program is envisioned to run from 9:15 a.m. to 1 p.m.” Yet when they discuss the staggered day, they say that that half day group will be arriving from 9:15 to 10 a.m.---up to a full 45 minutes AFTER they should have been starting their half-day program. In short, it appears that in fact, the groups will be arriving in a staggered fashion, but not in three groups, but in two, beginning at 7:45 a.m. and ending at 9:15 a.m. It may also be very difficult to mandate arrivals on such a staggered schedule for siblings, or parents who have work schedules to meet. With 24 children, this theoretical staggering of arrivals and departures will be difficult or impossible to enforce. There is no doubt that the 1 p.m. departure of 6 children will relieve some of the afternoon rush hour pressure. We are not clear, however, since they seek permission for 24 students, whether they could abandon the half-day program if more working parents requested a full day. We remain unclear about by the pick-up schedule for 6 children as cited in the submission. If half day children are being picked up from 12:15 to 1 p.m., how can it be a program that runs from 9:15 to 1 p.m.? Out of the six children signed up for the half day program, what if all 6 are dropped off at 9:15 and picked up at 1 pm? This is a daycare business, so the time span is reasonable to anticipate...otherwise they would not have defined it that with those hours.

We could easily envision a real-life scenario in which the bulk of the 9 children slated to be dropped off in the 8:30—9:15 window would all come around 9:15 with the 6 children in the half day program who could also be dropped off starting at 9:15 for a total of 15 children arriving at the same time. Similarly, the 7:45 to 8:30 a.m. window could result in a large number of families in groups A and B converging at say 8:30 a.m., a reasonable time to assume many would want to drop off their children given the common 9:00 start of the workday. It will be difficult for the Edelens to turn away business if more parents opt for one drop off time more than another because of their need to get to work at a specific time. The drop-off times, we believe, still present a potential problem, whereas the pick-up times, whether its 12:15 or 1 p.m. clearly would be less of a traffic hazard. The same overlap could result in the evening rush-hour pick up when Connecticut Avenue (which begins to become heavy with traffic around 4:00 p.m). By 5:00 to 6:30 p.m. is wall-to-wall with cars making entrance at a crunch time, say around 5:45, difficult for anyone to reliably manage. The two windows of arrival and departure proposed by the Edelens seem to address the problem of too many drop-offs and pick-ups coming at the same time, but reality is very different. If more parents choose to come at the same time, the County is not going to enforce the staggered arrival and departure times. While it may be in their contracts that they have to drop off their children at certain times, this is a business and one would be hard-pressed to see the Edelens enforcing those requirements and turning away families already signed up. Our concern is that at various times of the day, there will be a queue forming on

Connecticut Avenue to get into the facility, a queue inside the facility as people have difficulty getting out into oncoming traffic resulting in the very real possibility that there will be rear-end collisions and increased frequency of accidents at or near 6705 Connecticut Avenue.

As to the recently proposed half day program, we remain unclear however, is the half day program from 9:15 to 1 p.m or is it from 10:00 to 1 p.m.? Or is it both? –that is some pay for a three hour program and some pay for a three and three quarter hour program? (p.9 of the Edelen submission)

### **Staffing**

Another question raised by this reading is, what age group are the children in the half day program? The half day program envisions one staff person for just the half day children, but that staff person apparently stays after 1 p.m., making it a staff of 4 for all day? For licensing purposes, what are the ages of these children? Or does it not matter as long as there are only 12 children aged 2 and 12 children ages 3-4? It may be that our reading is incorrect or that the plan is not fully explained but as it stands, it's difficult to see how this new group of six children fits into the overall plan of operations unless they are simply folded into the larger group and arrive late and leave early.

It appears from the submission that the requirement for two year olds is one staff for six children, and that the requirement for children ages 3-4 are is one staff for 10 children. It's hard to determine from the staffing levels how the half day children would fit into the program and if the individual responsible for that program would ONLY have two year olds or if that person would leave after their group left. With the addition of the half day group, the staffing pattern is unclear. It would appear that the half day person would be staff #2 from his or her arrival and departure schedule. That person would be leaving just as parents were coming for the mandated 5 p.m. pick-up. Please note how difficult it will be for Staff #2 to extricate his or her car from its parking position in the revised parking plan. This is one of the spaces that requires a waiver. Even if it isn't that person, the plan calls from someone to exit during rush hour, at the very moment when parents are supposed to be arriving. Two cars cannot get by one another in that driveway opening with any degree of comfort, which means that one lane of Connecticut Avenue will be locked up as departing parents pass arriving parents oh so carefully.

### **Outdoor Activities**

The plan calls for 45 minute outdoor recess for only two groups of children. From the chart, one has to conclude that the half day children would have to go outdoors from 10:00 to 11:00 because they would leave by 1:00 p.m. That would mean that only 6 other children from the rest of the 18 in the program, would be allowed out at the same time regardless of their ages. One wonders if the age groups will break down such that the required supervision can be maintained. Again, this may be simply a matter of a lack of sufficient information about the ages and program for the half day children.

The Edelens mention in their submission that their own children and friends may well be playing outside at the same time as the daycare. This means that the limit of 12 children at any one time making noise is likely to be violated on a regular basis—it is their house after all. How

many children are involved with outdoor recess at a given time directly relates to our residents' expressed concerns about noise levels.

### **Neighborhood –Based Services and Community Outreach**

The Bethesda-Chevy Chase Master Plan supports the location of child care centers within public and private facilities. Section 3, a community of just under 280 homes, already has a large pre-school in our small jurisdiction serving the same age range as the proposed home daycare center a mere block and a half away. That facility serves 160 children, many of whom come from the neighborhood. That facility already puts a great deal of pressure on our streets as parents drop off and pick up children. When the Master Plan was put in place in 1990, there was a shortage of facilities. Just because this is the first Special Exception Use does not mean it is the ONLY daycare program available to area residents. We urge the Park and Planning Staff and the Hearing Examiner to consider the entirety of offerings for child care in the area rather than only considering how many Special Exception uses there are.

There is another Emilio Reggio pre-school program nearby at Ohr Kodesh school on East West Highway at Beech Drive. Contrary to statements in the application regarding a scarcity of available daycare facilities in the area, there are a number of nearby pre-school, daycare and other programs for this same age group to be served by the proposed expanded business.. The Chevy Chase Baptist Church at Western Ave and Belt Road has 160 children ages 2-5. The Chevy Chase Presbyterian Church at Chevy Chase Circle has 185 children ages 1-5, All Saints Episcopal Church also at the Circle has 43 children ages 2-4 enrolled and they are not fully enrolled. The Oneness Family School has 130 children from age 2 through 8<sup>th</sup> grade enrolled at West Ave and Bradley Lane. All of these are non-profit programs.

In addition, the Bethesda Chevy Chase area has Wonders Child Care, Wonders at Chevy Chase Extended Day, Wonders at Somerset extended Day, St. Paul United Methodist Church, All Saints All Day, Barbara Thompson Child Development, Kids Adventures, Childtime Learning Center, Bethesda Lynbrook Children's Center, Family Academy of Bethesda, Bethesda Montessori, Donna's Daycare, Congregation Beth El Pre-School, Bethesda Country Day, Bright Horizons Family Solutions, Quality Time Early Learning Center, Temple Sinai Nursery School and Children in the Shoe Day Care. And while some of the programs in this last group mentioned may be geared to school age children, many of them serve the same market. In the immediate area, we are rich in daycare and pre-school programs for this age group.

In their submission, the Edelens state that they have "received warm and vigorous support from residents of Chevy Chase Section 3." Given the fact that the Edelens have copies of all the letters and emails voicing opposition to this expansion and offer only two letters as evidence of community support, the numbers speak for themselves and the statement that they have received warm and vigorous support seems at odds with the those responses. The Park and Planning staff has copies of all those letters. To summarize the responses via letter and email into categories, it is safe to say that two (reproduced by the Edelens in their application) were enthusiastic (reproduced in their submission), two were favorable, three were mixed pro and con with some concerns about traffic and legality. There were thirty-five letters and emails against this expansion, including two letters each from two adjacent neighbors expressing different concerns.

The Edelens maintain that the proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood but have no evidence that supports this statement. Clearly, the emails sent to the Council by our residents express concerns that the impact will be detrimental. Two nearby neighbors are concerned about noise, the neighbor selling her home next door is concerned that the Special Exception Use will hurt her ability to sell her home—not everyone wants to live next door to a daycare center for 24 children with cars of parents and children coming and going.

We have not heard from the owners of the vacant two lots next to the Edelens' proposed expanded business, but the statement that the lots have remained vacant for nearly three years despite "aggressive" efforts to sell the lots is incomplete. The Edelens are well aware of the plan to develop at least one of the two lots adjacent to their property within the next few months. In fact the owner helped pay for the fence that divides the Edelen lot from his two lots so that the new properties would be clearly separate from his property. The owners of the property reportedly are friends of the Edelens and in fact, purchased their lots simultaneously with the Edelens just as the market took a downturn. The Edelens are well aware of the fact that a builder has been hired to develop the property---his sign and the gate he has installed next door point to imminent future development.

In their submission, the Edelens point out that Section 3 devotes considerable effort to sponsoring family-oriented events and that "for many residents these child-friendly events make living in Section 3 highly desirable." We would point out that those events are offered free to our residents. A fee-for-service daycare program is not in the same category of free children's events and while it may be considered a "local amenity", we already have one and it serves 160 children in the same age group.

## **Conclusion**

The Edelens compare their proposed home-based business with other local businesses, such as grant writers and business consultants. However, the volume of traffic that would be created by the expanded daycare business is on a completely different level. These other businesses writers, do not have 24 children and two staff members coming and going during rush hour. The County has strict limits of 20 visits per week for home-based businesses, except those with Special Exception Uses. Our concern is that the health and safety of the children walking to school on Raymond St. and Connecticut Avenue might well be compromised by what our traffic engineer calls "events of concern." We are also concerned that Section 3 residents in their cars, on their way to work themselves, will also be involved in "events of concern" caused by additional traffic to this difficult to reach property. Our traffic engineer evaluating various routes concludes his report by recommending that this expansion be denied.

While a Special Exception Use of a daycare center in a residence for 30 or fewer children is not considered a commercial use by the County, the State Highway Department does require that the Edelens obtain an access permit from the State Highway Department as a commercial use.

The impact on property values with a larger daycare center in a residence concerns some of our residents. The Edelens do not know if they will be able to attract the precise number and ages of children they aim to attract to make it a viable business. They have no crystal ball to determine where these children will come from or the exact route their parents will travel. But in examining

all the possible routes, our traffic engineer has validated the very real concerns of our residents in his report and in his section on Impact Identification. It's clear that the additional pressure of parents dropping off and picking up children will have an undeniably adverse effect on not only our community but our neighbors in the Town of Chevy Chase across Connecticut Avenue and the thousands of commuters who come and go via Connecticut Avenue every day. It should be noted that the Town of Chevy Chase also passed a resolution opposing this expansion.

In summary, a daycare facility is appropriate in a residential zone where there is adequate onsite parking and maneuvering room or on-street parking abutting the site. A daycare facility is appropriate in a residential zone where the roads are of standard width and where access is from a street where temporary queuing during rush hour would not cause accidents or major backups for hundreds of cars. A daycare facility is appropriate in a residential zone where parents dropping off or picking up children will not be forced to engage in dangerous or illegal maneuvers to expeditiously get to work or home. In the present case, the combination of lack of on-site parking, substandard lanes on Connecticut Avenue, substandard widths on cross streets, lack of dedicated turning lanes and extremely high volume of traffic combine to create non-inherent adverse effects at this particular site which would not be present at other sites within the zone.

Office of  
Zoning and  
APR 28 2010  
Administrative  
Hearings

**Françoise M. Carrier**  
**Director, Office of Zoning and Administrative Hearings**  
**County Council Office Building**  
**100 Maryland Avenue, Room 200**  
**Rockville, MD 20850**  
**ph 240-777-6660**  
**fax 240-777-6665**

6811 Connecticut Avenue  
 Chevy Chase, MD 20815  
 May 27, 2010

Dear Members of the Board of Appeals:

We are writing regarding the request for a Special Exception for a large day care center at 6705 Connecticut Avenue, Section 3, Chevy Chase. We are vehemently opposed to granting this Special Exception. As residents at 6811 Connecticut Avenue for 35 years, we can assure you that traffic on this street is often extremely heavy between 3:00 P.M. and 7:00 P.M., and, at times, it backs up to Chevy Chase Circle. We believe that a large day care center would exacerbate this congestion. In addition, cars backed up in the Edelin's driveway at pick-up time could possibly extend onto Connecticut Avenue, creating a hazardous situation.

Also, please keep in mind that the Edelin's day care business would also necessitate more parking on already congested side streets.

We are concerned about both all of these factors, as well as the negative effect this business would have on property values in Section 3 and on Connecticut Avenue from Chevy Chase Circle to East-West Highway!

We understand that this is the first Special Exception request ever to be made by a Section 3 resident. Granting the Edelins a Special Exception would set a precedent that would negatively affect our community, which is one of the friendliest, close-knit, and thriving communities in Montgomery County and in the Washington Metro area. We strongly hope it will remain so.

Therefore, we strongly urge you NOT to grant the Edelin's request for a Special Exception.

Sincerely,

*Carolyn Vogel Benson*

Carolyn Vogel Benson

*Jeffrey Lloyd Benson*

Jeffrey Lloyd Benson

301 657 2670

EXHIBIT NO. 15  
 REFERRAL NO. S.E. 10-1

Council, Chase Section 3 of the Village of Chevy Chase  
To whom it may concern:

April 3, 2010

It has come to my attention that Stephen and Patricia Edelen of 6705 Connecticut Avenue are requesting an expansion of their nursery school. Although, as of this writing, the Edelens have given me no details of their plans, I understand from others that they want to expand from the eight children currently attending the school to twenty four, plus whatever staff would be necessary. Apparently, they also want to change the hours of operation from a half day to a full day.

I am not in favor of this expansion. I think it sets a very dangerous precedent for all of Section 3. If it is granted, theoretically, in the future, anyone in the Section could run a business that large out of their home. It is my understanding that we are zoned as a residential community, and I do not think we should start changing the residential nature of our neighborhood.

On a personal basis, I am also concerned about the impact this might have on the value of my property and the value of other nearby properties. Potential buyers might not be delighted to have a noisy nursery school playground next door.

There is also the very important issue of increased traffic:

1. I think that there will be much more congestion on Connecticut Avenue between Bradley Lane and Raymond Street during the times parents would be dropping off and picking up their children. This could make it difficult for residents trying to turn right into Raymond Street.
2. Even more importantly, I am very concerned about increased traffic on a twice-daily basis on Raymond Street. (Drivers pulling out of the Edelen driveway cannot make a left turn onto Connecticut Avenue, and, potentially, many would end up turning into Raymond Street to exit the area.) Also, parents wanting to park and walk to the nursery school would naturally choose Raymond Street. Raymond Street is an extremely narrow street, and is already a major route for school buses, garbage/recycling/landscaping trucks and commuters. The block between Delaware Street and Connecticut Avenue already has more than it can handle many days. Those of you familiar with the traffic on Shepherd and Delaware Streets during the nursery school hours at the Methodist Church know how blocked it can get.

I do not wish to be unneighborly toward the Edelens, with whom I have had a perfectly friendly relationship. However, I do not think it is in the best interest of Section 3 as a whole to start allowing this kind of business activity.

Sincerely,



Rolanda "Lanny" Johnson  
3804 Raymond Street

Mr. Stephen Edelen  
6705 Connecticut Avenue  
Chevy Chase, MD 20815

April 19, 2010

Dear Stephen,

I was also glad to see you and Patricia at the Council meeting and to have the opportunity to hear more about your proposal for the day care center.

However, I need to correct what may be a misunderstanding about the playground noise, which you mentioned in your note to me dated April 15<sup>th</sup>. You wrote, "From our conversations, I understand that playground noise has not been an issue for you." Actually, at the Council meeting, I think I said that, even with my windows closed, I hear the playground noise, especially in my bedroom if I try to take a nap during the day.

So, it would not be correct for you to present to anyone officially that "Mrs. Johnson had said/indicated that playground noise is not an issue for her."

You stated correctly that a main concern for me is the precedent it would set in our residential area. Also, I am concerned about the possible traffic congestion – I don't think you really have any way to keep people from using Raymond Street for access or parking if they choose to do so.

Sorry we can't see eye to eye on all of this, but hope we can continue to be up front with each other.

Sincerely,

Lanny Johnson



Mrs. Parker D. Wyman  
3806 Raymond Street  
Chevy Chase, MD 20815-4148

March 12, 2010

Bill Brownlee  
Chevy Chase Section III Council  
P.O. Box 15070  
Chevy Chase, MD 20815

Yesterday I was visited by Stephen and Patricia Edden about the expansion of their nursery school - now for eight children - on their property on Connecticut Avenue, directly behind my house! They spoke of a large expansion and the intention of having the children ALL DAY as opposed to 1/2 day at the Methodist church.

I wish to make it known that I am completely opposed to any sort of expansion! The properties in this part of Section III are quite close - and the noise level when the children are outside is a problem. I also feel that expansion of access to Connecticut Avenue is asking for trouble - particularly with a student expansion, cars coming in and out, etc.

Hopefully the Council will be able to protect our properties.

Very sincerely,  
Patricia Howland Wyman

April 18, 2010

Chary Chase Section III Council

Dear members of the Council -  
I wish to correct any misconception  
that might have arisen at your  
meeting with the Edelmanns of 6705  
Connecticut Avenue last week.

In the winter time, when doors are  
closed and storm windows in place,  
it is fairly quiet - BUT - when doors  
and windows are open the noise level  
of supposedly two, three and four  
year olds - no more than eight ?? - is  
quite loud. The Edelmanns wish to expand  
their group to 24 all day!! They were  
quite misleading about ages when they  
came to all on me seeking my support.

I told them then, and repeat again - I am thoroughly opposed to any school in Section III other than what we have already. We bought our property in a zoned area for single family dwellings. If a school of 24 is allowed this year will it be 30-40-50 - next year? And what's to prevent others seeking money-making ideas from starting up all kinds of enterprises.

I am also very much worried about all of the cars delivering children on Connecticut Avenue in that particular block. Traffic at Bradley - when they see a green light at Raymond, tends to start up quickly before seeing parked cars on the right side. Sometimes it is quite unnerving trying to turn into Raymond.

When we first moved into our house in 1958 there was no light at Connecticut and Raymond. Accidents were very common and several people badly injured and killed. I cannot see how traffic can be controlled on Raymond Street while parents park there in order to get their little ones around the corner. I have seen a small child being picked up from the Edelman in the afternoon rush hour being delivered from the driveway to a parked car waiting at the curb. A serious accident waiting to happen!!!

Again, I am completely opposed to any increase of the number of children allowed on the Edelman property - even the eight already there are loud enough and very disturbing in warm weather when doors and windows are open and neighbors wish to enjoy their gardens and patios.

I regret that I am sufficiently handicapped that I am unable to attend your meetings in person.

Hopefully, all of this can be resolved.

Very sincerely,

Patricia H. Wyman

## Fwd: Fw: Proposed Special Exception Use in Section 3

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**From:** Greer Kneip <greerkneip@gmail.com>  
**To:** AndyLeon2000@aol.com, AndyLeon2006@earthlink.net  
**Subject:** Fwd: Fw: Proposed Special Exception Use in Section 3  
**Date:** Apr 27, 2010 2:36 PM

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Hi Andy,

I am actually quite concerned about the traffic implications for our neighborhood regarding the new school on Connecticut Ave.

- 1.) I very much worry about parents potentially parking on Connecticut Ave. by the school. I believe this would make turning right onto Raymond quite difficult if not impossible at times- Raymond is not the widest street, especially when another car is waiting at the light.
- 2.) When cars are parked on Connecticut Ave. by the school, turning left from Bradley, for example, onto Connecticut Ave. into the lane where such a car might be parked takes quick planning to slow down. After doing so, one would need to enter into the middle lane, only to then have to move back into the original lane to eventually turn onto Raymond to get into the neighborhood where my family lives. This seems convoluted and quite unsafe. I can imagine similar scenarios coming from the direction of the Chevy Chase circle or other streets south of the school.
- 3.) If the school plans to only have a drop-off policy, it concerns me that cars coming out of the school might take unnecessary risks to pull out, given that Connecticut is such a high- trafficked area and the waiting time to get onto the Avenue can be lengthy, I'm sure.
- 4.) I worry about parents being respectful of parking rules in our neighborhood. Just today, I had to ask a parent who was in a rush to pick up her child at CCUMCP to move her car as she parked in an area where the curb was clearly painted a yellow no parking zone. It would have been impossible for my neighbor to have backed out of his driveway.
- 5.) Once again, all of these aforementioned issues, I believe, would be heightened at the times that drop-off and pick-up would occur.

Regards,  
Greer Kneip

----- Forwarded by Fred Kneip/DCO/NorthAmerica/MCKINSEY on 04/24/2010 06:14 PM -----

**From:** [AndyLeon2000@aol.com](mailto:AndyLeon2000@aol.com)  
**To:** [AndyLeon2006@earthlink.net](mailto:AndyLeon2006@earthlink.net)  
**Date:** 04/23/2010 12:00 PM  
**Subject:** Proposed Special Exception Use in Section 3

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Dear Neighbors,

As detailed in the April newsletter, the Edelen family has applied for a Special Exception use to expand its current daycare center at 6705 Conn Ave from 8 to 24 children. This is the first Special Exception use request to be made by a Section 3 resident. The Edelens answered questions regarding their proposal at this month's Council meeting and we are now in the process of assessing the issues raised by this proposal and weighing appropriate input to provide to the Planning Commission that is reviewing the application. Given this unique circumstance, we would very much like to hear your views.

**Subject:** proposed Edelin variance  
**From:** donaldemcd@aol.com  
**Date:** Fri, 07 May 2010 18:09:18 -0400  
**To:** villagemanager@chevychase3.com  
**CC:** WHBrownlee@aol.com

Dear Andy - Don and I have talked this proposition over and we are very much against it. We have a large number of large houses and large lots in the section which we would not like to become business places. It would affect the community adversely in many ways, not the least of which might be house values - to say nothing of increased traffic and noise. If you may remember (not sure if you were village manager at that time) there was a great todo about a house (I think on Florida Street) where someone was working from their house and the neighbors were up in arms. Also, I do not very much like the idea of people moving into the neighborhood and trying to change the rules to suit themselves. You may also recall that the Isbells tried to have their lot divided into two lots and they were turned down because there would be insufficient access for emergency vehicles. All the neighbors would face increased noise. It should also be noted that the traffic on Raymond Street in the morning and on Connecticut in the afternoon is extremely heavy and adding to it would be very bad for all of us. Finally, while we are very sympathetic to the need for more available day-care everywhere, I really believe that a "business" in the area is a good idea. That's all I can think of now, but I will try to think more fully about it before the annual meeting.

Also, what should we do about the school and how do those who have children who would be affected feel about the changes?

And finally, compliments to you and the Council for the way things have been going in the last few years.

Mary and Don McDonough

Subj: **RE: Proposed Special Exception Use in Section 3**  
Date: 5/5/2010 6:56:14 PM Eastern Daylight Time  
From: [Neil.Nott@DullesMetro.com](mailto:Neil.Nott@DullesMetro.com)  
To: [AndyLeon2000@aol.com](mailto:AndyLeon2000@aol.com)  
To: Andy Leon Harney  
Village Manager  
Village of Chevy Chase Section 3

As a nine-year resident of Section 3, I can recall the former residence of the Nigerian Ambassador, and the expanse of property to which it was associated. Other than being somewhat isolated from the surrounding neighborhood as is the unfortunate side effect of the required security features of an ambassador's residence, the property was reasonably well maintained, and, to the casual observer, there was a sense of order and stability. The subsequent subdivision and sale[s] of the property have resulted in what has become in sequence an eye-sore of signs, mounds of fill left in the middle of the site for many months, demolition debris, and other disruptions, but without any obvious indications of positive progress towards reintegrating the former ambassador's residence and grounds into the fabric of our community.

I do not profess to begin to understand where the property boundaries now occur, or how the Edelen's contribute or not to the above stated problems, but it would seem that the last thing our community needs is to allow a Special Exception to be granted that could further contribute to the confusion and disorder that has taken over this once benign corner of our neighborhood. Establishment of a business use, however socially oriented, would seem to represent movement further away rather than toward integration. I would also concur with those residents that have voiced the more general concern over the precedent this Special Exception would establish, and urge the Village Manager and Council to submit a strong recommendation to the Planning Commission that this Special Exception not be granted regardless of the results of the planned traffic study.

Regards,

Neil E. Nott

7003 Florida Street  
Chevy Chase, MD, 20815

[neil.nott@dullesmetro.com](mailto:neil.nott@dullesmetro.com)

**From:** AndyLeon2000@aol.com [mailto:AndyLeon2000@aol.com]  
**Sent:** Friday, April 23, 2010 11:59 AM  
**To:** AndyLeon2006@earthlink.net  
**Subject:** Proposed Special Exception Use in Section 3

Dear Neighbors,

As detailed in the April newsletter, the Edelen family has applied for a Special Exception use to expand its current daycare center at 6705 Conn Ave from 8 to 24 children. This is the first Special Exception use request to be made by a Section 3 resident. The Edelens answered questions regarding their proposal at this month's Council meeting and we are now in the process of assessing the issues raised by this proposal and weighing appropriate input to provide to the Planning Commission that is reviewing the application. Given this unique circumstance, we would very much like to hear your views.

We have heard from a number of residents thus far who have raised concerns including the following:

Wednesday, May 05, 2010 America Online: AndyLeon2000