



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

December 6, 2010

M E M O R A N D U M

TO: The Montgomery County Planning Board

FROM: Damon B. Orobona, Senior Analyst *DAMON*

VIA: Rose Krasnow, Division Chief *RdK*

SUBJECT: Special Exception S-2781: Request for a Child Daycare Center in the R-60 Zone

RECOMMENDATION: *Denial.*

The applicant, Gilmore-Brunett, LLC, is the owner of a 37,987 square foot vacant property located at 220 West University Boulevard. The applicant is requesting a special exception to construct a 6,430 square foot child daycare center that provides services for up to 120 children. Daycare services will be provided by as many as 25 employees on site. The daycare center will be operated by Childway, a daycare provider with three existing locations in the DC area.

To obtain approval for a child daycare special exception, the applicant must satisfy general zoning standards applicable to all special exceptions and specific zoning requirements tailored specifically to a child daycare center. While the application meets many of the technical requirements for a child daycare, the proposal is inconsistent with the 1996 Four Corners Master Plan as the Plan discourages special exceptions in residential areas adjacent to the Four Corners commercial district. Master plan consistency is a general standard that every special exception must satisfy to be approved.

The size and scale of the physical building and parking facility associated with the proposed child daycare could potentially alter the residential character of the neighborhood. The size and scale of the proposal is more typical of non-residential uses located southeast of the site in the Four Corners commercial district. Furthermore, the proposal calls for only 316 square feet of lot area per child, which will require the Board to recommend a waiver of the 500-foot standard typically required by the ordinance. Staff does not recommend the waiver.

SUMMARY OF REPORT

Public Hearings:	December 16, 2010 (Planning Board) January 7, 2011 (Hearing Examiner)
Overview of Site:	The subject property is comprised of one recorded lot, totaling 37,987 square feet (0.87 acres). The property is located on the residential block immediately west of the Four Corners commercial center near the intersection of University Boulevard and Colesville Road. The site is zoned R-60. A residential dwelling that housed a dental office previously existed on the property, but the home was demolished a few years ago leaving the site vacant.
Proposed Use:	The applicant is proposing a child daycare center on the site for up to 120 children. The operations will be housed in a 6,430 square foot building and will employ up to 25 staffers. 45 parking spaces are associated with the child daycare, with 25 spaces in a surface parking lot and 20 spaces below-grade. Because the property is zoned R-60, a special exception is required to operate the proposed child daycare at this location.
Sector Plan Consistency:	The project is not consistent with the 1996 <i>Four Corners</i> Master Plan. The Plan specifically discourages special exceptions in residential areas adjacent to the Four Corners commercial district, particularly in locations along major highways. Further, the Plan states that if a special exception is to be allowed, it should be contained within a building of residential size and scale. The proposal does not meet any of these recommendations.
Zoning Provisions:	Although the project satisfies many technical zoning standards, it fails to satisfy special exception provisions relating to size, scale, and master plan consistency. Further, the applicant is providing only 316 square feet of lot area per child, requiring a waiver of the typical standard of 500 square feet of lot area per child. Staff does not recommend the requested waiver as it is necessary to permit 120 children to be cared for onsite, which serves to increase the scale of both the building and the parking facilities.
Recommendation:	Staff recommends a denial of the special exception. If the Board of Appeals should approve the application, neither subdivision nor site plan review will be required.

I. PROCEDURE

Application S-2781, filed September 1, 2010, seeks a special exception, pursuant to §59-G-2.13.1 of the Montgomery County Zoning Ordinance, to permit a child daycare center on a currently vacant lot located at 202 West University Boulevard in Silver Spring.

The Office of Zoning and Administrative Hearings has scheduled a public hearing date on this application for January 7, 2011, in the Stella B. Werner Council Office Building at 100 Maryland Avenue, Rockville, Maryland. Before the Hearing Examiner's proceedings, the Montgomery County Planning Board will conduct an initial public review of the application on December 16, 2010, at 8787 Georgia Avenue, Silver Spring, Maryland.

II. THE PROPOSAL

A. The Subject Property

The subject property is located at 220 West University Boulevard. The site is within the residential block lying immediately west of the Four Corners commercial district at the intersection of University Boulevard and Colesville Road. This area is approximately a half-mile north of the Beltway. The lot measures 37,987 square feet and is at the west end of the block.¹ The site has frontage along three roads – University Boulevard, Brunett Avenue, and Gilmoure Drive. The site is generally square-shaped and has a gentle slope. There are no forests, streams, floodplains, wetlands, or environmental buffers on the property.

Previously, the lot contained a single-family residential home that housed a dentist's office for many years. In 2006, the Planning Board approved a preliminary plan for the site with five lots for single-family detached residential homes.² After the Planning Board's approval of the preliminary plan, the existing single-family home on site was demolished. However, platting of the five lots and construction of the homes under the preliminary plan was not pursued. According to the applicant, the recent real estate market affected the 2006 plan's financial viability.

B. The Neighborhood

The property is located in the South Four Corners neighborhood of the Four Corners Master-Plan area. The defined neighborhood, for technical purposes of finding compatibility for the special exception request, is defined as an area much smaller than the entire South Four Corners neighborhood. Staff generally agrees with the applicant's proffer of the neighborhood boundaries, only slightly modifying the boundary lines to the north, east, and south so the lines fall neatly along neighborhood streets. The neighborhood is defined by Timberwood Avenue to the north, Lorain Avenue to the east, Harding Drive to the south, and by a senior housing

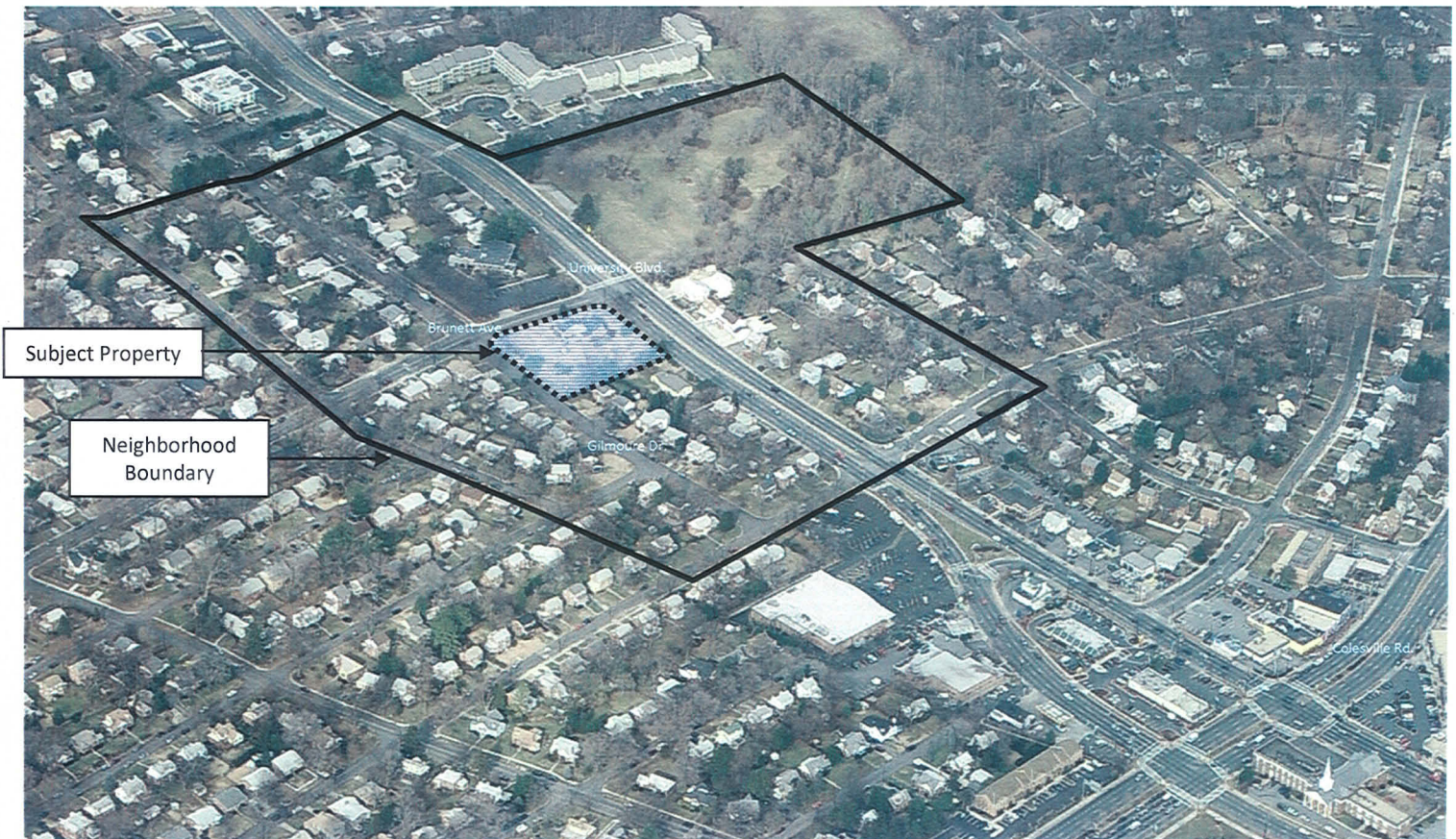
¹ Technically speaking, the property is known as lot 13 of block P.

² Preliminary Plan 120060800.

complex to the west. This definition includes nearby homes that may be affected by the child daycare structure and its associated activities.

The defined neighborhood sufficiently shows a predominant residential character. The entire neighborhood is zoned R-60. The neighborhood is solely comprised of single-family detached homes except for three properties. The most notable non-residential use in the neighborhood is the Nichiren Shoshu Temple, which is a church located directly west of the subject property. Additionally, a local park lies to the north of the neighborhood³, and there is one special exception (a home occupation flower shop business) within a single-family detached home. The church and the flower shop special exception have been part of the neighborhood for some time, and both were in existence at the time of the 1996 Four Corners Master Plan. The defined neighborhood boundary is shown below.

Aerial Photo with Neighborhood Boundary



³ The local park is held by MNCPPC. Prior to MNCPPC acquisition, the site housed a Private Educational Institution and child daycare use for up to 225 children and 25 staffers. However, these uses were abandoned in 2001. The Master Plan recommended this site be transformed into parkland if the PEI changed locations, which is exactly what occurred in 2001.

C. The Proposal

The applicant is proposing to construct and operate a child daycare center. The operation will provide for up to 120 children with a 25-person staff. Children in the daycare will range from six week-old infants to 12 year-old children. The year-round proposed hours of operation will be Monday to Friday from 7am to 7pm.

The applicant is proposing a 6,430 square foot, one-story facility, an outdoor play area, and 45 associated parking spaces for the child daycare operations. According to the applicant, the building is designed to mirror the residential architecture of the neighborhood, incorporating architectural dressings such as a pitched roof and a sunroom-style addition as well as a below-grade parking facility. The layout of the site places the building in a location to help buffer the outdoor play areas from the nearest residences to the east, therefore placing the outdoor play area along University Boulevard and Burnett Avenue.

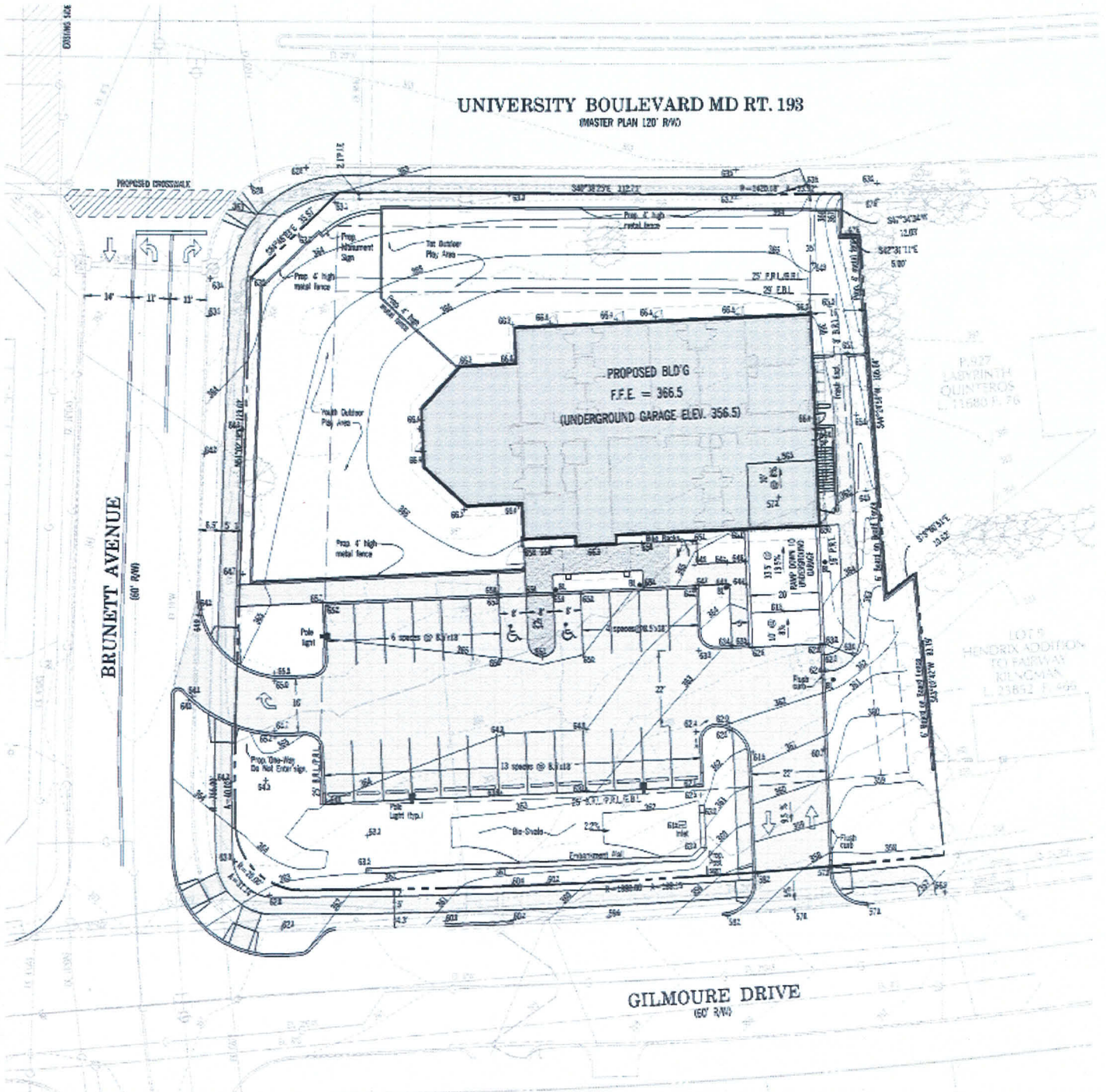
There will be two access points to the child daycare by way of a full movement driveway along Gilmoure Drive and a right-out only along Brunett Avenue. Both Gilmoure and Brunett are classified as secondary residential streets. Access to the site from University Boulevard is not possible because of State Highway regulations; therefore, all access to the daycare must be through these local neighborhood roads.

The parking for this project is unusual as it utilizes the cellar-level of the building for almost half of the required 45 parking spaces so the surface parking area need not be so large. The applicant is proposing that employees will use the 20 space below-grade level and the outdoor lot will be used for clients. While reducing large asphalt parking areas wherever possible is always commendable from an environmental standpoint, the proposal will still need a 25-space outdoor paved lot to meet its parking requirement due to the proposed scale of daycare operations at this location. The applicant is proposing numerous trees and shrubs to help buffer the outdoor parking area. Additionally, a six-foot board-on-board fence is proposed along the east side of the property to buffer the parking area from adjoining residential homes, and a four-foot metal fence is proposed to separate play areas from the adjoining roadways.

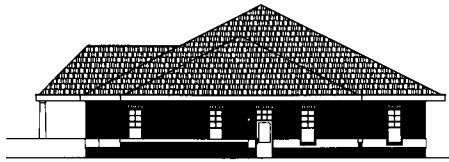
To reduce adverse traffic impacts of the daycare, the applicant has proposed a Transportation Management Plan (TMP), which is available at attachment 4. The applicant's special exception plan and elevations of the proposed building are shown below.

Special Exception Plan

UNIVERSITY BOULEVARD MD RT. 198 (MASTER PLAN 120' R/W)



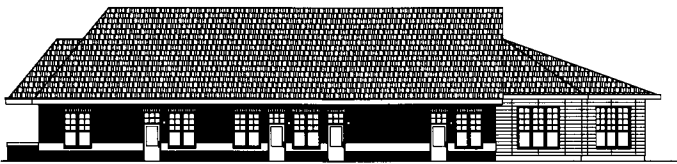
Elevations



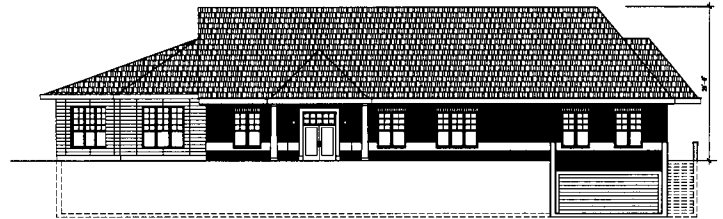
④ SIDE ELEVATION
1/8" = 1'-0"



② BRUNETT AVE. ELEVATION
1/8" = 1'-0"



③ UNIVERSITY BLVD. ELEVATION
1/8" = 1'-0"



① GILMORE DRIVE ELEVATION
1/8" = 1'-0"

III. ISSUES TO CONSIDER

A. Master Plan Guidance

The site is within the 1996 *Four Corners Master Plan*. It is not typical of many County plans to give specific guidance regarding the placement of special exceptions. However, the Four Corners Plan provides pointed language on the topic of special exceptions.

The Four Corners Master Plan provides three clear guidelines for special exceptions as part of its land use chapter (page 26). The guidelines reflect concerns about the impact of institutional or non-residential uses on otherwise residential communities. The first guideline addresses the larger issue of the location and establishment of special exceptions, while the next two guidelines address physical design elements for special exceptions.

In the first guideline, the Four Corners Master Plan strongly discourages special exceptions within certain locations of the Plan area. This language is reproduced below:

This Plan discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment of non-residential uses, as are single-family homes along the major highways. Several single-family homes along the west side of Colesville Road between the Beltway and University Boulevard have been converted to office use by special exception. This location is suitable for special exception office use; however, residences or other special exception uses are not precluded. Special exception review should continue to pay particular attention to the number, type, and intensity of existing special exceptions as currently provided in the Zoning Ordinance (emphasis added).

As indicated in the excerpt above, the Plan specifically calls out an area on the west side of Colesville Road between the Beltway and University as suitable for special exception uses if the type and intensity of the special exception is compatible with the neighborhood. However, the subject property does not fall within this area recommended as suitable for special exceptions by the Plan. In fact, the subject property is located in the exact location where the Plan specifically discourages special exceptions – in a residential neighborhood immediately adjacent to the Four Corners commercial district and along a major highway. The subject property is part of the South Four Corners residential block that immediately adjoins the Four Corners commercial district to the west. Additionally, it is in a single-family zone located directly along University Boulevard, a major highway. Because of the subject property’s location, the Plan’s language should be given great weight as it clearly discourages the encroachment of non-residential uses, such as a large child daycare operation, within the South Four Corners residential neighborhood.

The next two guidelines specify design considerations that should be followed for any special exception request within the master-planning area. These considerations are reproduced below:

The Plan recommends reuse of existing structures for special exception uses, where feasible. If a use requires a new building, the Plan encourages designs that are residential in character and scale (emphasis added).

This Plan encourages the continued requirement for landscape plans for all special exception uses except accessory apartments. Landscape plans enhance the integration of a special exception use into the community by retaining grassed and landscaped front, side, and rear yards.

The above language serves to underscore that special exception uses in this master-planning area should be housed in existing single-family detached homes or, if new construction is necessary, then in a structure that is similar in character, appearance, and scale to the other residential homes in the area. Since the subject property is now a vacant lot, new construction will be necessary to accommodate the proposed child daycare center. As illustrated in the elevations shown earlier in the report, the proposed center incorporates architectural dressings

that provide aspects of residential appearance, but the size and scale of the proposed building is much greater than is typical for a neighborhood home and the size of the proposed parking facility is much larger than the typical driveway in the South Four Corners area. Furthermore, a 20 space structured garage is also not in character with a residential neighborhood, even though it is underground.

In analyzing other properties within the defined neighborhood, the proposed child daycare center is clearly at a larger scale than the typical residential dwellings of the neighborhood. On average, neighborhood homes measure 1,296 square feet of gross floor area on lots of approximately 7,260 square feet.⁴ In contrast, the proposed child daycare center is to be 6,430 square feet of gross floor area on a lot measuring 37,987 square feet. Alternatively, if analyzing building footprints, the child daycare center has a proposed footprint of 6,430 square feet, while the average building footprint for the rest of the neighborhood is only 1,207 square feet. The proposed parking area furthers this argument. The applicant must provide 45 parking spaces to meet zoning ordinance requirements. While the applicant has proposed a below-grade parking plan for 20 spaces in an attempt to lessen the impact of a large parking lot on the surrounding neighborhood (an attempt that is commendable), the outdoor parking area still has 25 spaces, which is substantially larger than the typical driveway in the neighborhood.

The applicant has argued that due to the subject property's large lot size, a single-family detached house that is even larger than the proposed daycare center could potentially be built on the site by right. While this is true, and the applicant has every right to pursue a single-family detached home on the site, the applicant is not proposing this course of action and has instead undertaken the special exception review process. During the special exception process, care is taken by this Agency to ensure master plan conformance and the proper size and scale of special exceptions in residential neighborhoods.⁵ Staff cannot find that the proposed child daycare is residential in size or scale given the other homes in the neighborhood. Accordingly, the proposal is not compatible with the defined neighborhood and is not consistent with the Four Corners Master Plan.⁶

The applicant has provided an adequate landscaping plan as recommended by the Master Plan.

B. Traffic and Parking Considerations

The proposal satisfies the Local Area Transportation Review (LATR) and the Policy Area Mobility Review (PAMR) tests. All proposed access to the site is from Gilmore Drive and Brunett Avenue, which are secondary residential streets. Many in the community have raised transportation issues regarding the proposal, particularly referencing increased traffic associated with the proposed child daycare on the local neighborhood roads. Transportation

⁴ This figure does not include the park.

⁵ See §§59-G-1.21(a)(4) and G-1.23(g).

⁶ See Vision interoffice memorandum at attachment 1.

staff has estimated that the child daycare will generate 20 new peak-hour trips in the morning and 18 new peak-hour trips in the evening after accounting for pass-by and diverted trips.⁷

C. Environmental Issues

There are no environmental issues associated with the application.⁸

D. Community Involvement

There has been very heavy interest in the child daycare application over the past few months. Staff has met with community representatives from the South Four Corners Citizens Association and the Woodmoor-Pinecrest Citizens Association to listen to concerns regarding the application. Further, staff has received approximately 90 letters opposing the application. Two letters have supported the application. A separate attachment packet has been prepared for the Board with copies of all community correspondence and a cover sheet summarizing major areas of citizen concern.

IV. ZONING ORDINANCE ANALYSIS

A. Compliance with Development Standards

The subject property is located in the R-60 Zone. The proposal conforms to all technical development standards of the R-60 Zone, as shown on the table below.

⁷ See Transportation Planning interoffice memorandum at attachment 2.

⁸ See Environmental Planning interoffice memorandum at attachment 3.

Minimum Lot Area	6,000 sq ft	37,987 sq ft (0.87 acres)	§59-C-1.322(a)
Minimum Lot Width at Front Building Line	60 ft	178 ft	§59-C-1.322(b)
Minimum Lot Width at Street Line	25 ft	146 ft	§59-C-1.322(b)
Setback from Street	25 ft	35 ft	§59-C-1.323(a)
Side Setback from adjoining lot	8 ft	16 ft	§59-C-1.323(b)(1)
Rear Yard Setback	20 ft	n/a because corner lot	§59-C-1.323(b)(2)
Building Height	35 ft	31.3 ft	§59-C-1.327
Building Coverage	35 percent	17 percent	§59-C-1.328
Parking Facility Side Yard Setback for Special Exceptions in Residential Zone	16 ft	29 ft	§59-E-2.83(b)
Parking Requirement	<ul style="list-style-type: none"> 1 space per employee = 25 spaces 1 space per every 6 children = 20 spaces 45 spaces	45 spaces (25 surface spaces; 20 below-grade spaces)	§59-E-3.7

B. Inherent and Non-Inherent Adverse Effects

The standard of evaluation for a special exception requires consideration of the special exception's inherent and non-inherent adverse effects on nearby properties and the general neighborhood where it is proposed.⁹ Inherent adverse effects are the harmful effects caused by the physical and operational characteristics necessarily associated with the particular special exception use, irrespective of the size or scale of the proposed operations. Alone, inherent characteristics are not sufficient to constitute a denial of the application. Non-inherent adverse effects are any harmful effects caused by physical and operational characteristics of the proposed special exception not inherently associated with the special exception use. Or, alternatively, they could be adverse effects created by unusual characteristics of the site. An application can be denied based on non-inherent adverse effects.

Any analysis of inherent and non-inherent adverse effects must first establish what physical and operational characteristics are associated with a particular special exception use. According to recent cases decided by the Hearing Examiner¹⁰, the following are the inherent physical and operational characteristics necessarily associated with a child daycare center special exception: (1) a physical building, (2) parking areas, (3) lighting, (4) noise generated by children, (5) drop-off and pick-up areas, (6) outdoor play areas, (7) long hours of operation, (8) employees of the child daycare facility, (9) vehicular trips to and from the site, (10) signage, (11) delivery of supplies, and (12) trash pick-ups.

In the instant case, there are four non-inherent adverse effects of the proposed child daycare on the surrounding neighborhood that might not occur if the proposal were established elsewhere in the R-60 Zone: the effect of the physical size of the daycare building on surrounding properties, the effect of the large surface parking lot on surrounding properties, a below-grade parking facility that permits a larger building footprint and more children onsite, and noise generated from children playing outdoors. Except for the below-grade parking facility, all of the non-inherent adverse effects are inherent characteristics of a typical child daycare that are amplified by locating a child daycare of this degree on a small residential lot.

Any child daycare special exception located on the subject property will inherently have a building for the care of children, a parking area for pick-up and drop-off of kids, and noise from children. However, it is possible for a child daycare to be established on this site that does not have a building that is, on average, almost five times larger than the typical residential home in the surrounding neighborhood or an outdoor parking area that has 25 parking spaces – much larger than the typical neighborhood driveway. Although the below-grade parking area, on its surface, does not appear to have adverse impacts, the below-grade structure allows for a larger building footprint on the site. As already established, the large building size does not fit the existing character of the neighborhood.

⁹ §59-G-1.2.1.

¹⁰ See Hearing Examiner Report for S-2710 and SE 10-1.

The large building footprint also increases the amount of children cared for in the daycare. Moreover, although the ordinance requires 500 square feet of area per child, the applicant is requesting a waiver to 316 feet per child specifically so that a large number of children can be accommodated. The amount of noise generated from playing children on this particular site will be much different for a small-scale child daycare and a center that accommodates up to 120 children. On a lot that is less than an acre, noise from a few children may not create an adverse effect. In the alternative, noise generated from 120 children will likely be great and have an impact on surrounding properties. These amplified effects, which are unique to the subject property due to its small size and residential surroundings, are not residential in character as called for in the Master Plan and will adversely effect the surrounding neighborhood.

C. General Special Exception Requirements:

§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.

Analysis: A child daycare center special exception is a permissible special exception in the R-60 Zone if all zoning standards are met.¹¹

(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.

Analysis: The proposal does not meet all requirements of §59-G-2 (analysis given in subsection D below). Staff reiterates the sentiment in the above provision that compliance with technical zoning standards does not create a presumption that the proposed child daycare is compatible with nearby properties and does not require the Board to recommend approval of the special exception. The proposal is not compatible with the surrounding neighborhood.

(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

¹¹ §59-C-1.31

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.

Analysis: As previously discussed, the proposal is not consistent with the 1996 Four Corners 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.

Analysis: This provision requires a finding that the proposal is compatible with the surrounding neighborhood. It has been long established that the proposed kind, location, size, and form of proposed structures, as well as effects upon the neighborhood, are considerations to be weighed in the determination of compatibility. Here, as previously discussed, the size, scale, and bulk of the proposed child daycare building and outdoor parking lot is not compatible and is not in harmony with the typical homes of the surrounding neighborhood. This finding is particularly strong given the Four Corners Master Plan guidance to ensure that new special exceptions are of a compatible residential size and scale.

- (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.

Analysis: Approval of the proposed child daycare center may present detrimental effects to the use and development of surrounding properties. As stated in the Vision memo, the approval of a special exception in this location could contribute to a commercialization of the long-established residential neighborhood adjacent to the contained commercial district of Four Corners.

- (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.

Analysis: While staff hesitates to classify noise or physical activity from the play of children objectionable, many letters from the community have expressed reservations about having up to 120 children at this location in a residential neighborhood. As previously stated, impact from noise would be greatly reduced if the daycare were smaller in scale. No objectionable vibrations, fumes, odors, dust, illumination, or glare will be associated with the proposal.

- (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.

Analysis: Although there is only one existing special exception in the defined neighborhood (a home occupation for a flower shop operating out of a single-family detached home), the approval of this special exception will affect the area adversely and may alter the predominant residential character given the specific master-planning guidance for the neighborhood.

- (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.

Analysis: There is no evidence that the proposed use will adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers in the area of the proposed special exception.

- (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.
 - (A) If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.
 - (B) If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the growth Policy standards in effect when the application was submitted.
 - (C) With regard to public roads, the Board or the hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.

Analysis: The proposed special exception will be adequately served by existing public services and facilities. Police and fire services, water, and sanitary sewer are already established for the site. The proposal meets both the LATR and PAMR transportation findings.

- (b) Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department which approves or licenses the project.

Analysis: No finding necessary.

- (c) The applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.

Analysis: The applicant is aware of this standard.

D. Specific Child Daycare Special Exception Standards

§59-G-2.13.1 Child Daycare Facility.

- (a) The Hearing Examiner may approve a child daycare 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;

Analysis: The applicant has satisfied this standard.

- (2) parking is provided in accordance with the Parking Regulations of Article 59-E.

Analysis: The applicant has satisfied this standard.

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

Analysis: The applicant has satisfied this standard.

- (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; and

Analysis: The applicant has supplied an affidavit with the application materials.

- (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.

Analysis: As previously stated, the proposal will not be compatible with the surrounding neighborhood.

(b) A child daycare facility for 31 or more children may be approved by the Board of Appeals subject to the regulations in subsection (a), and the following additional requirements:

(1) a landscaping plan must be submitted showing the location, height, caliper, and species of all plant materials; and

Analysis: The applicant has satisfied this standard.

(2) in the one-family residential zones, facilities providing care for more than 30 children must be located on a lot containing at least 500 square feet per child. The Board may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per child if it finds that:

(A) the facility will predominantly serve children of an age range that require limited outdoor activity space;

(B) the additional density will not adversely affect adjacent properties;

(C) additional traffic generated by the additional density will not adversely affect the surrounding streets; and

(D) adequate provisions for drop-off and pick-up of students will be provided.

Analysis: The applicant is requesting a waiver of the typically required 500-foot standard and is proposing only 316 square feet of lot area per child. As stated in the provision above, the Board may recommend a waiver of the 500-foot standard if the application meets all four of the above conditions.

Here, staff does not find that the applicant satisfies subsection (A) or (B) above. To recommend the waiver, the Board must find that (1) the applicant's facility predominantly serves children of an age that require limited outdoor activity space and (2) the additional density allowed on the site by allowing the waiver will not adversely affect adjacent properties. Additional density could mean either additional children allowed on site or, in the alternative, additional building mass. Staff cannot make either of the findings under (A) or (B).

Out of 120 total children cared for by the center, 90 children will be between the ages of two to 12. Children in this age range are likely to engage in substantial outdoor play. Therefore, a finding cannot be made that the applicant's facility predominantly serves children of an age that requires limited outdoor activity space.

As previously stated, the proposed center's size and scale is not compatible with the surrounding neighborhood. Maintaining the 500-foot standard per child will result in a smaller building – housing 75 children – and would encourage reductions in the amount of space needed for the pick-up and drop-off of children, which, in the current 25-space outdoor parking

configuration, creates a particularly non-residential atmosphere. A smaller facility may better meet guidelines that encourage special exceptions to be residential in character and scale. Given this reasoning, staff finds that supporting the waiver of the 500-foot standard effectively increases building density on the site and adversely affects adjacent properties.

V. STAFF RECOMMENDATION

Staff recommends that application S-2781, for a special exception to permit a child daycare center at 220 West University Boulevard, Silver Spring, Maryland, be denied.

VI. ATTACHMENTS

1. Vision Interoffice Memorandum
2. Transportation Planning Interoffice Memorandum
3. Environmental Planning Interoffice Memorandum
4. Applicant's proposed Transportation Management Plan (TMP)

December 6, 2010

To: Damon Orobona
Development Review Division

From: Frederick Vernon Boyd
Vision Division

Subject: S 2781—Gilmoure-Brunett/Childway Day Care

This Division has reviewed S 2781, Gilmore-Brunett LLC/Childway Day Care's special exception petition to establish a child day care facility at 220 University Boulevard West. The Division recommends that the Planning Board reiterate the Four Corners Master Plan's guideline discouraging special exception uses at this location and consider recommending denial of the petition. The Division also recommends that, if full evaluation of the petition is desirable, that the proposed facility should be required to adhere to the area requirements set out in the Zoning Ordinance.

At the time the Four Corners Plan was developing, local residents, both individually and through their community associations, were actively expressing concerns about increasing "commercialization" of formerly residential areas, particularly those located along major thoroughfares like University Boulevard. In addition to the Four Corners Plan, master plans completed at about the same time for Aspen Hill, Cloverly and White Oak included language highlighting the importance of maintaining the residential character and appearance of special exception uses.

The 1996 Four Corners Master Plan provides three guidelines for special exceptions as part of its land use chapter. The guidelines reflect the Plan's recognition and acknowledgement that the Board of Appeals is responsible for reviewing and approving special exceptions while attempting to address local residents' concerns about the impact of institutional or non-residential uses on otherwise residential communities. One guideline addresses larger issues of location and establishment of special exceptions. The remaining guidelines address physical elements of special exceptions. These guidelines are designed to underscore existing standards for special exception uses and to insure that such uses are housed in structures that maintain the residential scale, character and appearance of existing neighborhoods.

The first guideline "discourages special exceptions in residential areas immediately adjacent to the commercial district. Residential neighborhoods immediately adjacent to the Four Corners commercial district are particularly vulnerable to encroachment from non-residential uses, as are single family homes along the major highways." The Plan goes on to identify the west side of Colesville Road south of University Boulevard as one area where single-family homes have been converted to office use. The Plan also

discusses the area adjacent to the Woodmoor Shopping Center, where the center's ownership of and intentions for several residential lots along Pierce Drive had raised significant concerns. The Plan recommends a limited expansion of commercial zoning, but retains residential zones for residential lots.

The word "discourages" shows the dilemma faced by planners in considering land uses in these areas. There were persuasive arguments in Four Corners for having the master plan state clearly that special exception uses in the areas adjacent to the commercial district can pose the threat of encroachment into stable residential neighborhoods and are, as a result, generally less desirable than residential uses. Discouraging these uses—seeking to prevent them by showing disapproval or creating difficulties, in the words of the Oxford English Dictionary—was the strongest statement the plans could make while continuing to respect the special exception approval process.

The second guideline recommends "reuse of existing structures for special exception uses, where feasible," while the third encourages "designs that are residential in character and scale" for new buildings. It also "encourages the continued requirement for landscape plans for all special exception uses except accessory apartments."

These guidelines on maintaining residential scale and character are also important to balancing elements of the special exception regulations and the need to respect residential character in Four Corners. This petition requests a reduction in the area requirements for day care facilities in residential zones, to allow the proposed center to accommodate 120 children. The resulting structure requires more than 6,400 square feet of space, along with a relatively large parking and drop off area and an underground garage. Maintaining the 500 square feet per child requirement would result in a smaller facility—75 children—and could permit reductions in the amount of space needed for temporary parking and drop-off, which, in the current configuration, creates a particularly non-residential atmosphere. A smaller facility could better meet the guideline that encourages designs that are residential in character and scale.

Evaluating this petition in light of the three guidelines compels planning staff to note that the property is located in an area considered by the Plan to be adjacent to the commercial district. Division staff reiterates the Plan view that special exception uses in this part of Four Corners are less desirable than uses allowed by right in the applicable zones and should continue to be discouraged. Should this special exception warrant continued evaluation, Division staff recommends that the ordinance's area requirements be maintained and that a landscaping plan be required.



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

MEMORANDUM

DATE: December 4, 2010

TO: Damon Orobona, Planner/Coordinator
Development Review Planning Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning Division
301-495-4525

SUBJECT: Special Exception Petition No. S-2781
Proposed Childway Child Day Care
220 West University Boulevard, Silver Spring
Southeast corner of West University Boulevard and Brunett Avenue
Gilmoure-Brunett LLC
Kensington/Wheaton Policy Area

This memorandum presents Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception petition by Gilmoure-Brunett LLC ("Applicant") to permit a 120-student child day care with a maximum of 25 staff members to be located at 220 West University Boulevard (MD 193) in Silver Spring. The proposed day care will have children for child care only, and will be open on weekdays between 7:00 a.m. to 7:00 p.m. The site is currently zoned R-60.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions to be part of the transportation-related requirements to grant this special exception petition (based on our review of Applicant's traffic study dated October 7, 2010, Statement of Operations, and proposed Transportation Management Plan (TMP) submitted for the subject special exception petition):

1. The Applicant must limit normal hours of operation, number of students, and staff at the proposed day care to 7:00 a.m. to 7:00 p.m., 120 students, and 25 staff.
2. The Applicant must manage vehicle queuing as well as parking related to student drop-offs and pick-ups at the day care within the site, without any spillover to Gilmoure Drive, Brunett Avenue, and other adjacent local streets.

(21)

3. The Applicant, prior to the release of any building permit associated with the proposed day care, must pay \$22,600.00 to Montgomery County Department of Transportation (DOT) to satisfy the Policy Area Mobility Review (PAMR) requirement of the APF test (to mitigate two “new” weekday site-generated peak-hour trips).
4. The Applicant must complete all site frontage improvements including the proposed new sidewalks along Gilmore Drive, Brunett Avenue, and West University Boulevard prior to the opening of the proposed day care.

DISCUSSION

Site Location, Roadway/Pedestrian Facilities, Site Access, and Public Transit

The subject site is located within the southeast corner of West University Boulevard (MD 193) and Brunett Avenue in Silver Spring, and is midway between the West University Boulevard intersections with Colesville Road to the east and Dennis Avenue to the west. West University Boulevard, to the north of the site, is a six-lane divided major highway, and has sidewalks on both sides. West University Boulevard also has a crosswalk across its west leg at Brunett Avenue. Brunett Avenue, to the west of the site, and Gilmore Drive, to the south of the site, are secondary residential streets. The section of Brunett Avenue between West University Boulevard and Lanark Way as well as the section of Gilmore Drive between its western terminus and Brunett Avenue have sidewalk on both sides. Brunett Avenue also has speed bumps between West University Boulevard and Forest Glen Road.

The subject site is currently vacant, but previously had a single-family residence that operated as a dentist’s office and had access from Gilmore Drive. Vehicular/bus access to/from the proposed day care is via proposed new driveways along Brunett Avenue and Gilmore Drive. This includes a full movement driveway along Gilmore Drive and an exit only driveway (restricted to only right-turns through design) along Brunett Avenue. A total of 45 parking spaces (25 surface and 20 underground garage spaces), including two handicapped parking spaces, are provided on the site.

Currently, several of the Metrobus Z routes (along Colesville Road) as well as routes C2 and C4 (along West University Boulevard) serve the area. Ride-On bus routes in the area include routes 9, 19, and 22 along Dennis Avenue, West University Boulevard, and Colesville Road.

Master Plan Roadways and Bikeway/Pedestrian Facilities

The 1996 Approved and Adopted *Four Corners Master Plan* describe the following nearby master-planned roadways, bikeway, and pedestrian facilities:

1. West University Boulevard, to the north of the site, as an east-west six-lane divided major highway (M-19) with a minimum right-of-way width of 120 feet between Eisner Street to the west and Melbourne Avenue to the east, and with a dual bikeway, as a shared-use path and a signed shared roadway facility (DB-5 in the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*) between Georgia Avenue to the west and Prince George’s County line to the east.

2. Dennis Avenue, to the west of the site, as a two-lane arterial (A-59) with a minimum right-of-way width of 80 feet between West University Boulevard to the north and Proctor Street to the south, and with a signed shared roadway bike facility (SR-55 in the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*) between West University Boulevard to the north and Plyers Mill Road to the south.
3. Lanark Way, to the south of the site, as a two-lane, 36-foot wide primary residential street (P-5) with a minimum right-of-way width of 70 feet between Renfrew Road to the west and Sutherland Road to the east and with a local signed shared roadway bike facility (PB-8) between Dennis Avenue to the west and Colesville Road to the east.
4. Brunett Avenue, to the west of the site, with a signed shared roadway bike facility (SR-31 in the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*) between Lockwood Drive to the north and Wayne Avenue to the south.

Adequate Public Facilities Review

The APF review for the subject special exception petition for a child day care required a traffic study in accordance with the Montgomery County *LATR/PAMR Guidelines* since the proposed day care was estimated to generate **30** or more total peak-hour trips during the typical weekday morning (6:30 – 9:30 a.m.) and evening (4:00 – 7:00 p.m.) peak periods.

The Applicant submitted a LATR/PAMR traffic study dated October 7, 2010, that examined traffic-related impacts of the proposed day care on nearby intersections. Staff review of the study indicated that the study complied with the requirements of the *LATR/PAMR Guidelines* and the traffic study scope provided by staff.

Using *LATR/PAMR Guidelines* trip generation rates for child day care centers, the traffic study estimated that the proposed day care will generate 61 peak-hour trips during the weekday morning peak period and 68 peak-hour trips during the weekday evening peak period. After accounting for the “pass-by” and “diverted” trips, the traffic study estimated that the proposed day care will generate 20 “new” peak-hour trips during the weekday morning peak period and 18 “new” peak-hour trips during the weekday evening peak period.

The trip generation summary for the proposed day care is presented in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED CHILDWAY CHILD DAY CARE CENTER, SILVER SPRING**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
25 Staff Day Care						
“New” Trips (32% AM/27% PM)	11	9	20	9	9	18
“Diverted” Trips (41% AM/61% PM)	13	12	25	20	22	42
“Pass-by” Trips (27% AM/12% PM)	8	8	16	4	4	8
Total Trips	32	29	61	33	35	68

Source: Gilmoure-Brunett, LLC/Childway Child Day Care. Street Traffic Studies, Ltd. October 7, 2010.

- Local Area Transportation Review

A summary of the intersection capacity/Critical Lane Volume (CLV) analysis results from the traffic study for the weekday morning and evening peak-hours is presented in Table 2.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED CHILDWAY CHILD DAY CARE CENTER, SILVER SPRING**

Intersection	Traffic Conditions					
	Existing		Background		Total (Build)	
	AM	PM	AM	PM	AM	PM
MD 193 and Dennis Ave	889	968	889	968	892	971
MD 193 and Brunett Ave	733	887	733	887	718	818
MD 193 (Eastbound) and Colesville Road (US 29)	1,481	1,355	1,481	1,355	1,483	1,359
Brunett Ave and Gilmoure Dr	148	133	148	133	180	169

Source: Gilmoure-Brunett, LLC/Childway Child Day Care. Street Traffic Studies, Ltd. October 7, 2010.

Note: Kensington/Wheaton Policy Area Congestion Standard: 1,600 CLV.

As shown in Table 2, under Total (or Build) traffic conditions, intersections included in the traffic study will operate within the Kensington/Wheaton Policy Area congestion standard of 1,600 CLV. The special exception petition therefore satisfies the LATR requirements of the APF test.

- Policy Area Mobility Review

To meet the PAMR requirements of the APF test, the Applicant is required to mitigate 10% of “new” peak-hour trips generated by the proposed day care (i.e., 10% of 20 “new” morning peak-hour trips, which is 2 peak-hour trips).

The Applicant is proposing to satisfy the PAMR requirements of the APF test with a pay of \$22,600.00 to DOT (at \$11,300.00 per trip). The special exception petition therefore satisfies PAMR requirements of the APF test.

Community Concerns

The residential community adjacent to the proposed day care has raised several concerns regarding the proposed day care, which are referenced below:

1. Compatibility with *Four Corners Master Plan* on cut-through traffic that could be experienced throughout the neighborhood:

As a result of its location and direct access restriction to West University Boulevard, the proposed day care will bring new traffic to Brunett Avenue, Gilmoure Street, and potentially to Lorain Avenue. However, staff is of the opinion that due to the inherent nature of traffic that will be generated by day care facilities, which primarily are “pass-by” and “diver trips from adjacent major roadways (i.e., West University Boulevard and Colesville Road), the proposed day care will only experience minimal “new” trips as shown in Table 1. These “new” trips could be generated from all of the residential areas immediately adjacent to the proposed day care, including residents of the adjacent community who may desire to enroll their children at the subject day care. Therefore, staff is of the opinion that the proposed day care will not create any noticeable cut-through traffic, if any, through the neighborhood.

2. Deficiency in the traffic study submitted by the Applicant:

The traffic study submitted by the Applicant was prepared based on a study scope prepared by staff consistent with *LATR/PAMR Guidelines*. The submitted study complied with the requirements of the *LATR/PAMR Guidelines* and the traffic study scope provided by staff.

3. Proposed site access and on-site traffic circulation scheme are insufficient:

Given the location of the proposed day care and the direct access restriction to West University Boulevard, the Applicant is proposing a full movement driveway along Gilmoure Drive and an exit only driveway (restricted to right-turns) along Brunett Avenue. Brunett Avenue, between West University Boulevard and Gilmoure Drive, currently carries approximately 200 vehicles during the morning and evening peak hours and Gilmoure Drive near Brunett Avenue currently carries approximately 25 vehicles during the morning and evening peak hours. Staff is of the opinion that given the extremely low traffic volume on both these roadways, the site access and on-site traffic circulation scheme proposed by the Applicant are safe and adequate.

4. Impact of estimated additional traffic on Brunett Avenue and Gilmoure Street:

Traffic estimated to be generated by the proposed day care can be assumed to be primarily on Brunett Avenue and Gilmoure Street for access to and from the site. As shown in Table 1, the site will generate a total of 61 peak-hour trips during the morning peak period and

peak-hour trips during the evening peak period. Addition to this traffic during the respective peak-hours to the above two streets will result in less than 300 vehicles during the morning and evening peak-hours on Brunett Avenue and less than 100 vehicles during the morning and evening peak-hours on Gilmoure Street. Staff is therefore of the opinion that the operational impact of the estimated additional traffic on both these streets will be minimal.

SE:CE:tc

cc: Catherine Conlon
Khalid Afzal
Carl Starkey

S-2781 Childway Child Day Care Staff Memo.doc



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

MEMORANDUM

TO: Damon Orobona, Development Review Division

VIA: Mark Pfefferle, Acting Chief, Environmental Planning Division *mP*

FROM: Candy Bunnag, ^{*CB*}Planner Coordinator, Environmental Planning Division

DATE: December 3, 2010

SUBJECT: Special Exception Application S-2781
Childway Child Day Care

The Environmental Planning Division recommends approval of the special exception application S-2781 with the following comment:

1. The tree save plan signed by a certified arborist and a registered landscape architect on September 3, 2010 should be incorporated into the special exception and implemented to provide protection for offsite trees on adjoining properties.

DISCUSSION

The subject site is located at 220 West University Boulevard, at the southeast quadrant of West University Boulevard and Brunett Avenue in Silver Spring. The site is 0.87 acre (37,897 square feet) in size and is zoned R-60. A residential building had been on the site, but it was demolished over a year ago.

There are no forests, streams, floodplains, wetlands, or environmental buffers on or adjacent to the subject site. There are five trees that are 24 inches or greater in diameter at breast height (dbh) on the site.

The special exception proposes a child day care facility.

Environmental Guidelines

The site lies within the Northwest Branch watershed, a Use IV watershed. As noted above, the site and adjoining properties do not contain any streams, wetlands, floodplains, or environmental buffers.

Forest Conservation

Since the tract of land is less than 40,000 square feet and the applicant is submitting for a special exception only (i.e., no preliminary plan of subdivision is required for the proposed project), the County Forest Conservation Law does not apply to the proposed

project. Therefore, a forest conservation plan or forest conservation plan exemption is not required for this special exception application.

Tree Save Plan

Although the application is not subject to the County Forest Conservation Law, the applicant has submitted a tree save plan that has been prepared and signed by a certified arborist and a registered landscape architect. The plan shows that none of the onsite trees will be preserved. All on-site trees will need to be removed to accommodate the proposed development.

However, the tree save plan does provide for the protection of nearby offsite trees on neighboring properties to the east of the site. The tree save plan proposes the use of root pruning and tree protection fencing along portions of the eastern property boundary. It also identifies that a certified arborist will be present at the site before, during and after construction to oversee tree protection measures. Staff recommends that the tree save plan is incorporated into the special exception approval to allow for protection of the offsite trees.

Special Exception Required Finding

In the Zoning Ordinance, there are required findings in Section 59-G-1.21(a). Required finding (6) states that a special exception:

- (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.*

Staff believes the proposed use of the subject site as a child day care center will not result in a conflict with this required finding.

TRANSPORTATION MANAGEMENT PLAN
CHILDWAY

The Childway child day care center (“Childway”) has developed the following Transportation Management Plan (“TMP”) for the implementation of its special exception for a child day care facility at 220 W. University Boulevard, Silver Spring (the “Property”).

Childway Operations

- Maximum number of children and staff:
 - 120 children total enrolled for child care and on-site at any one time;
 - 25 staff employed and on-site at any one time.
- Hours of Operation (Monday through Friday, year-round):
 - Staff begin arriving – 7:00 a.m.;
 - Children begin arriving – 7:00 a.m.;
 - Staff - latest departure – 7:00 p.m. (except evening events);
 - Children - latest departure – 6:15 p.m., although after-hour pick ups may occur until 7:00 p.m.
- Peak Arrival/Departure Period: between 8:00 a.m. and 9:15 a.m., and between 5:00 p.m. and 6:15 p.m. (“Peak Period”)

Transportation Coordinator

The TMP will be managed by an administrative staff person, who will be designated to act as the Transportation Coordinator. The Transportation Coordinator or his/her designee shall be responsible for drop off and pick up coordination during the Peak Period to assure that the facility operates in a safe and efficient manner, and that passenger vehicles use the appropriate parking spaces and to access and exit the site only in accordance with posted signs, County regulations and approvals. When there is a pick up or drop off of a special needs child(ren) via a school bus or van, the Transportation Coordinator and/or his/her designee shall direct the bus and passenger vehicle traffic on site to assure safe and efficient operations. The Transportation Coordinator will also act as the contact and liaison with the community to facilitate the initiatives described in this TMP. The Transportation Coordinator contact information (phone number and mailing address) shall be provided to the neighboring community representatives in advance of the opening and occupancy of the Childway center on the Property.

The Transportation Coordinator will encourage the use of transit, carpooling and vanpooling and public transportation opportunities for its staff. The Transportation Coordinator will invite the Montgomery County Department of Transportation personnel to make presentations to Childway staff or to explain County programs and to educate staff and answer questions to encourage mass transit, public transportation and carpooling/vanpooling programs (including Emergency Ride Home Program).

Access, Circulation and Parking

1. There are a total of 45 parking spaces on the Property (20 underground and 25 surface parking spaces), for the use of client-parents to drop off and pick up children enrolled at Childway, visitor parking, and Childway staff parking during the Childway hours of operation. Parents are responsible for escorting children into the building, and for signing children in and out during drop off and pick up, so the 25 surface parking spaces closest to the buildings shall be open and available to facilitate that process.

2. The parking spaces on the Property can be accessed from the Gilmoure Drive driveway and egress is provided via both the Gilmoure Drive driveway and the Brunett Avenue driveway (right out only). There shall not be any queuing of cars off the Property on either of these roadways.

3. During regular hours of operation, the Childway staff that do not take public transportation will primarily utilize the 20 underground garage parking spaces on site in order to leave the majority of the 25 surface parking spaces available for client-parents and therefore facilitate the drop off and pick up process.

4. Childway staff and client-parents shall not park on the neighborhood streets to access the Property and shall not block neighborhood driveways (nor do U-turns in neighborhood driveways) to access the Property. Further, Childway staff and client-parents shall not park at the property other than for child drop off or pick up or for otherwise visiting or working at the Childway facility (the parking lot is not to be used as a commuter parking lot).

5. In no event may a child be dropped off before a staff member is present to supervise that child; nor may a child be left alone if a parent is late in making a pick up.

6. All refuse collection and deliveries shall be scheduled to occur outside the Peak Period.

Parking & Transportation Information:

Each year (and for each new client-parent), every staff member and client-parent shall receive a copy of the TMP and any additional information necessary to explain the parking and circulation procedures and requirements, which may be part of the contract with parents. Upon receipt of the above-described materials, each parent and staff member shall sign an acknowledgement indicating that he or she has been advised of Childway's parking and transportation policies, and agrees to comply. The Transportation Coordinator will maintain records of the acknowledgement for each staff member and client-parent.

Special Events:

In addition to daily day care operations, Childway may offer a maximum of 8 special events during the year, which will occur during the hours of operation, and may hold a maximum of 3 staff meetings, which would occur in the weekday evening hours.

It is anticipated that these events will not generate more attendees than the on site parking facilities can manage because most events only serve a limited number of attendees, and other events will be held on an age group basis. However, if any event does generate more attendees than the available parking on-site will allow, arrangements will be made by the Transportation Coordinator or his/her designee to utilize off-site parking and/or shuttles for anticipated attendees. The Transportation Coordinator shall coordinate and monitor parking at all evening and special events as necessary to insure that overflow parking does not negatively impact the neighboring properties.

Community Liaison and Annual Report:

The Transportation Coordinator shall be the designated contact with the community relating to implementation of this TMP and any transportation or parking matters. The Transportation Coordinator contact information (phone number and mailing address) shall be provided to the neighboring community representatives of the South Four Corners Civic Association (the "SFCCA") in advance of the opening and occupancy of the Childway center on the Property.

The Transportation Coordinator shall meet with the SFCCA representatives and interested neighbors twice a year for the first four (4) years of operation to review the implementation of the TMP. These meetings, referred to as the Community Liaison Council (CLC), can either be part of the regular SFCCA meeting agenda or a separate meeting to be organized and hosted by the Transportation Coordinator. By joint agreement of the designated SFCCA representative and the Transportation Coordinator (in writing), the meeting can be waived if deemed unnecessary.

Upon the approval of the special exception and until the Childway center has been operational for four (4) years (from issuance of use and occupancy permit), Childway shall submit an Annual Report to the Board of Appeals providing a status of the implementation of the TMP, which shall include:

1. The current enrollment and number of staff at the site,
2. The current number of staff using public transportation regularly,
3. A description of any parking and transportation issues, and how addressed, and
4. The CLC (or SFCCA if applicable) meeting notice, agenda and minutes (or written agreement to waive CLC meeting).

A copy of each Annual Report shall be sent to the designated representative(s) for the SFCCA.