



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

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

**ITEM #:** \_\_\_\_\_

**MCPB HEARING DATE:** January 6, 2010

**REPORT DATE:** January 20, 2011

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Robert Kronenberg, Supervisor *RK*

**FROM:** Joshua Sloan, Coordinator *JLS*  
Development Review Division  
301.495.4597  
Joshua.Sloan@mncppc.org

**APPLICATION**

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

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

**FILING DATE:** June 24, 2010

**RECOMMENDATION:** Approval

**EXECUTIVE**

**SUMMARY:** This amendment would allow the center to function both as a private school and as a daycare by adding "private educational institution" to the allowed uses on site. This change required a development plan amendment (DPA) that was approved by the Council on October 12, 2010. Staff finds that this use and minor alterations are appropriate and acceptable given the context and existing uses and will not significantly alter the character of the existing development.

## SITE DESCRIPTION

### Vicinity

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



*Vicinity Map*

### Site Analysis

The subject site is currently constructed per site plan 820060340 as a day care facility. It is served by public water and sewer. There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features on site.

## **PROJECT DESCRIPTION**

### **Previous Approvals**

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

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

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

A site plan amendment, 82006034A, was denied on October 8, 2009 due to the fact that "private educational institution" was not allowed in the R&D zone by the original diagrammatic plan.

### **Proposal**

The Applicant requests three modifications to the site plan:

1. That "private educational institution" use be approved in addition to the existing approved "day care center" use for this site plan.
2. The addition of a gazebo to the play area; and
3. The addition of a monument sign.

## **ANALYSIS AND RECOMMENDATION**

Given the recent approval of the amended diagrammatic plan by the Council to allow private educational institutions within the subject area of the property and the similar nature of the existing use, Staff finds that the use is appropriate and acceptable given the context and existing site conditions. The addition of the gazebo will provide an extra amenity and shelter for children and staff in the play area. The addition of the monument sign will not adversely affect the visual environment and provides appropriate locational information for the Center.

Staff therefore recommends approval of site plan amendment 82006034B, Children's Montessori School, to include a private educational institution as an additional use for the site, the addition of a gazebo to the play area, and the addition of a monument sign as delineated on the plans stamped as received by the Development Review Division on June 18, 2010.

## **APPENDICES**

### **A. Diagrammatic Plan Amendment Resolution**

Resolution No.: 16-1517  
Introduced: October 12, 2010  
Adopted: October 12, 2010

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: District Council

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**SUBJECT:** Approval of Diagrammatic Plan Amendment (DPA) 10-3; an Amendment to the Diagrammatic Plan Approved for LMA G-718

**BACKGROUND**

1. The application for Diagrammatic Plan Amendment (“DPA”) No. 10-3 was filed by the Shangri-La Limited Partnership on February 4, 2010. It seeks an amendment to the diagrammatic plan approved by the Council on July 2, 1996, in LMA G-718, which had reclassified 198 acres of the Traville tract in Shady Grove from the R-200 and R-200/TDR Zones to the MXN Zone. The 1996 diagrammatic plan (Exhibit 4) contains the following restriction: “R&D Non-Residential uses (limited to those allowed in the R & D Zone).” The only proposed change to the diagrammatic plan would be to add the following words below that restriction: “— with the exception that Private Educational Institute Is permitted in parcel L and O, Block A, Map – FR 43.” See Exhibit 5.
2. Technical Staff of the Maryland-National Capital Park and Planning Commission reviewed this application and recommended, on May 10, 2010, that the Planning Board approve it without a public hearing before the Hearing Examiner, unless there is public opposition (which there has not been). According to the Technical Staff report, the effect of the proposed amendment would be to allow the applicant’s existing child daycare center to also operate as a private educational institution (a Montessori school, in this case) on the site.
3. The subject property is part of an area identified on the 1996 diagrammatic plan as the R&D-1 land bay. Technical Staff reports that the applicant’s child daycare center is identified on the diagrammatic plan as an approved use in the land bay, but a private educational institution is not, although it is an allowed use under MXN zoning.
4. On October 8, 2009, the applicant brought a site plan amendment before the Planning Board to change its approved child daycare site plan to include both a child daycare facility and a private educational institution. Site plan staff determined at the time that the only recourse for obtaining a site plan amendment and a use and occupancy permit for the private educational institution was for the diagrammatic plan to be amended through the diagrammatic plan amendment process. That is the purpose of the current application.

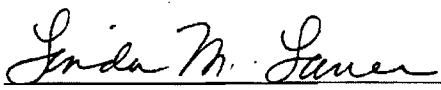
5. No construction or exterior modifications are proposed to the existing 12,000 square foot daycare facility as part of this application. Staff does not anticipate that allowing a private educational institution in the R&D-1 land bay area of the plan will have any substantive impact on the non-residential development objectives for the area. According to the applicant, the scope of the building's current operations will remain the same, other than the inclusion of the Montessori curriculum. Staff found that the amendment would not result in changes to the approved and developed building square footage of the project, nor alter the compatibility of the project with surrounding development or compliance with the purposes of the MXN Zone. Staff also found that the DPA is consistent with the 1990 Shady Grove Study Area Master Plan and with the findings made by the District Council at the time of the original diagrammatic plan approval.
6. At its regular meeting on May 20, 2010, the Planning Board unanimously recommended approval of the DPA without a public hearing before the Hearing Examiner, absent public opposition.
7. There is no opposition to DPA 10-3, and no request has been made for a hearing. The Planning Board also does not recommend a public hearing in this case. Therefore, under the provisions of Zoning Ordinance §59-D-1.74(c)(3), "the office of zoning and administrative hearings [OZAH] must forward the planning board's report and recommendation directly to the council," without a hearing by OZAH.
8. The record is now complete, and the matter can be considered directly by the District Council without the need for a hearing conducted by the Office of Zoning and Administrative Hearings.
9. The District Council has reviewed DPA 10-3 and concluded that the DPA meets the requirements of the Zoning Ordinance, and its approval would be in the public interest. Based on this record, the District Council takes the following action.

### ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution.

DPA 10-3, which requests an amendment to the Diagrammatic Plan approved on July 2, 1996, in LMA G-718, by adding the following words below the restriction in the Diagrammatic Plan, "— with the exception that Private Educational Institute Is permitted in parcel L and O, Block A, Map – FR 43," as set forth in paragraph numbered 1, above, is hereby approved, subject to the specifications and requirements of the Diagrammatic Plan Amendment, Exhibit 5, provided that the DPA is submitted to the Hearing Examiner for certification within 10 days of the District Council's action, pursuant to the provisions of Zoning Ordinance §59-D-1.64.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council



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

**Memorandum**

**TO:** Rollin Stanley, Planning Director

**VIA:** Cathy Conlon, Acting Chief *CC*  
Elza Hisel-McCoy, Acting Supervisor *EH*  
Development Review Division

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

**RE:** Children's Manor Montessori School  
SITE PLAN #82006034B

**DATE:** July 28, 2010

Pursuant to Montgomery County Code Division 59-D-3.7 (Minor Amendments), the Planning Director may approve in writing certain applications for an amendment to the Certified Site Plan. Administrative or "Director Level" Amendments are modifications to the approved Certified Site Plan that are considered minor in nature and do not alter the intent and objectives of the plan.

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the DRD Intake Section is also not required; however, submittal of the application to DRD is applicable. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual and require approval of the Planning Director.

On June 24, 2010, Shangri-La Limited Partnership ("Applicant") filed a site plan amendment application designated Site Plan No. 82006034B ("Amendment") for approval of the following modifications:

1. Addition of a gazebo to the play area; and
2. Addition of a monument sign at the driveway entrance.

An additional request to allow a "private educational institution" on the property will be decided by the Planning Board after consideration by the Montgomery County Council. This administrative amendment only pertains to the two items listed above.

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on June 25, 2010. The notice gave the interested parties 15 days to review and

comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



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Rollin Stanley, Planning Director

7-28-10

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Date Approved