



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

MCPB
Item #
Date: 01/13/11

REVISED MEMORANDUM:

DATE: ~~December 22, 2010~~ January 5, 2011
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
FROM: Carlton W. Gilbert, Planner Coordinator (301) 495-4576 *CW Gilbert*
SUBJECT: **Special Exception Petition No. SE-11-2: Margaret L. Zhang, applicant,** request approval of a special exception for a Child Day Care facility for up to 30 children located at 14315 Marian Drive, Rockville, R-200 Zone.

MASTER PLAN Potomac Subregion Master Plan
FILING DATE: August 16, 2010
PUBLIC HEARING: January 21, 2011

STAFF RECOMMENDATION: Approval with the following conditions:

1. All evidence, testimony and exhibits of record are binding on the applicant.
2. The child day care use must be limited to 30 children, ages ~~two~~ eighteen months to six. The child care facility is permitted to have a maximum of ~~2~~ 3 full-time non-resident employees and one part-time non-resident employee.
3. Permitted hours of operation are Monday thru Friday, 7:30 a.m. to 6:30 p.m., Monday-Friday
4. The arrival and pick-up times for children must be staggered between 7:30 a.m. and 10:30 a.m. during the morning drop-off and between 3:00 p.m. and 6:30 p.m. in the evening.

5. No more than 18 children are permitted to play outdoors at any one time
6. The applicant must comply with Maryland State and Montgomery County standards for the operation of a child day care facility.
7. The applicant must erect a 6-foot high (maximum) fence along the Glen Mill Road property line and part of the northeast property line of Marian Drive. The fence must comply with the Department of Permitting Services (DPS) requirements for construction of a fence.

The child day care use at the proposed location satisfies the specific special exception requirements of 59-G-2.13.1. With the recommended conditions, the proposed use will not constitute a nuisance because of traffic or physical activity, and will not adversely affect the residential character of the surrounding properties. Furthermore, the proposed use is consistent with the recommendations of the 2002 Potomac Subregion Master Plan.

Project Summary

The applicant, Margaret Zhang, requests a special exception to permit a child day care facility for up to 30 children at 14315 Marian Drive in Rockville. The applicant proposes to expand an existing day care use by increasing the number of children from 12 to 30. A licensed child care business for up to 12 children, for which a special exception is not required, has been operating on the site since 2009. The applicant would like to increase the number of children cared for from 12 to 30 children.

The child day care business will still be operated in the existing two-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 3,000 square feet, will be dedicated to the business. The child care facility will have ~~two~~ three full time non-resident employees and one part-time employee. 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. The outside play area for children is located in the left side yard and is enclosed with a 4-foot high chain link fence.

Site Description

The subject property is a corner lot located in the southwest quadrant of the intersection of Marian Drive and Glen Mill Road. The property's legal description is Lot 1, Block A, Hunting Hill Estates. The property is zoned R-200 and is 1.34 acres in size. The property has approximately 175 feet of street frontage along Marian Drive and approximately 90 feet of frontage along Glen Mill Road. The property is improved with a two-story masonry dwelling with a basement, constructed in 2006. The dwelling is set

back 66.5 feet from Marian Drive. The dwelling has a left side yard of approximately 100 feet, a right side yard of 90 feet and a rear yard of approximately 70 feet.

The property is accessed via an asphalt paved circular driveway from Marian Drive. The circular driveway is located in front of the dwelling and measures approximately 12 feet in width. There is a three-car garage and approximately 3,000 square feet of paved blacktop adjacent to the three-car garage, including the driveway. The applicant intends to use the garage and the driveway on the side and in front of the house for parking cars associated with the business. The circular driveway provides off-street location for the pick-up and drop-off of children at the front of the day care home. Additionally, there is adequate parking space on the site should several parents arrive simultaneously. Furthermore, there is sufficient on-street parking along Marian Drive.

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 Darnestown Road to the north, Glen Mill Road to the east, Bancroft Road to the south, and Shady Grove Road to the west. The neighborhood is zoned R-200 for single-family residences. Single-family dwellings are present on both sides of Marian Drive. There are no similar special exceptions within the neighborhood.

Elements of Proposal

The applicant is proposing to expand the existing child care facility by increasing the number of children cared for from 12 to 30. The proposed child day care facility is intended to provide daily weekday care for 30 children, ages ~~two~~ eighteen months to six. The day care will be located on the basement level of the existing home. According to the applicant, approximately 3,000 square feet in the walkout basement will be used as both activity and play areas for the children. The rear entrance of the dwelling will be used by parents when picking up and dropping off their children. There is an existing brick paved walkway from the parking area to the rear entrance of the dwelling.

The hours of operation will be between 7:30 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-off will occur on the circular driveway to the front and side of the home, which provides adequate space for vehicles during these busy morning and afternoon times.

The applicant indicates that she will stagger arrival times for children between 7:30 a.m. and 10:30 a.m. during the morning drop-off and between 3:00 p.m. and 6:30 p.m. during the afternoon pick-up. 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~~ three 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 12 to 30. The employees will work from 7:30 a.m. to 6:30 p.m. There will be a part-time employee who will arrive and depart during off-peak hours. The employees will be instructed to park on the site in designated parking spaces.

The outdoor play activities will occur in the applicant's left side yard. The outdoor playground consists of a 4,800 square foot, fenced grass-covered lawn with an assortment of playground equipment. The proposed day care facility will have staggered outdoor playtimes. A maximum of 18 children will be on the playground at any one time during the day care's hours of operation.

Master Plan

The site is situated within the North Potomac Planning Area of the Adopted and Approved 2002 Potomac Subregion Master Plan. While the Plan does not specifically address child day care centers, the proposed use is allowed in the zone in accordance with the Special Exception uses of the Montgomery County Zoning Ordinance (§59-C-1.31)

Staff has determined that the proposed use is compatible with the neighborhood due to the following: (1) The property will maintain its residential appearance – no external changes will be made to the dwelling unit on the subject site; (2) Only the basement/lower level of the property will be used for the operation of the facility; (3) there is a circular driveway on the property and a parking area that can provide up to 11 off-street parking spaces. In addition, several attendees of the day care center live nearby and walk to the property, further reducing traffic; and the rear and side yard of the property will be used as a play area and a six-foot high wood fence will be installed. The play area will have recreational equipment. (see attached photographs)

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

Transportation

Transportation staff recommends approval of special exception No. S.E. 11-2.

(See Revised Attachment 11 – Transportation Memo)

~~Staff has reviewed the existing child day care facility's proposal to increase the number of children up to 30 from the currently approved 12 children and finds that the proposed increase would not have an adverse effect on the nearby road system. The site is located off Marian Drive which was built as a tertiary residential street with 50-foot wide right-of-way and 20-foot wide pavement width. The existing vehicular access point and pedestrian circulation system on the nearby road system would not be affected by the proposal. Based on the information contained in the Traffic Statement submitted by the applicant, the site would generate less than 30 peak-hour trips (and less than 3 new~~

~~peak-hour trips) with the granting of the special exception application. Therefore, the subject special exception application is not subject to the Local Area Transportation Review (LATR) or the Policy Area Mobility Review (PAMR).~~

Environment

Environmental Planning staff recommends approval of the Special Exception No. SE-11-2 for a Child Day Care facility. (See attached Environmental Planning Memo)

Development Standards

The subject property is located in the R-200 zone, which permits the proposed use by special exception. The proposal conforms to all applicable development standards of the R-200 zone. The following standards are applicable to single-family detached dwelling units:

Development Standard	Required	Proposed/Existing
Minimum Lot Area	20,000 sq. ft.	1.344 acres
Minimum Lot width: <ul style="list-style-type: none"> ▪ at front building line ▪ at street line 	100 feet 25 ft.	174.43 ft. 174.43 ft.
Minimum Building Setback: Front Yards Side Yards <ul style="list-style-type: none"> ▪ One side ▪ Sum of both sides Rear Yard	40 ft. 12 ft. 25 ft. 30 ft.	66.5 ft. 90 ft. 190 ft. approx. 60 ft. approx.
Maximum Building Height	2 ½ stories or 35 ft	2 ½ stories
Parking	9 10 parking spaces	11 parking spaces

Parking

Based on the requirements of the Zoning Ordinance Article 59-E-3.7, a child day care facility for 30 children must provide a minimum of 9 10 parking spaces: one space for each of the ~~two~~ three non-resident staff members, two spaces for the residence, and one space for every 6 children (five spaces). The zoning ordinance states that street parking may be used to meet the minimum requirements. However, the applicant does not intend to rely on any street parking for parents or for staff. The applicant is

providing a total of eleven off-street parking spaces as shown on the attached parking layout.

Landscape and Lighting

The eastern and northern sides of the lot, where the playground is located, are screened with approximately 29 cypress evergreen pines. There are mature trees situated along the south and west property lines that provide further screening. An existing 3-rail fence is located along the southern and western sides of the property. The applicant notes that a six-foot high wooden fence will be installed along the property line on Glen Mill Road and the eastern part of Marian Drive, if the special exception is granted.

The exterior illumination consists of residential style fixtures, providing safety for parents and children entering and exiting the facility without causing glare to surrounding properties. There are several 50-watt lamps mounted on the front of the dwelling, on the garage side, and at the rear of the dwelling. Along the driveway, there is a lamppost (approximately 6 feet high) and approximately 20 solar lamps mounted on stakes to provide safety for vehicles. 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 child care business. The sign measures 12 inches wide by 24 inches high in its current place at the corner of the property.

Community Concerns

Several letters in support of the proposed child care facility are attached. There is no evidence of concern or objection from adjoining neighbors regarding the use and operation of the subject facility.

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.

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 3,000 square feet and located in the basement of the existing two-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 the proposed parking layout serve as drop-off and pick-up areas 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 or to the parking area in front of the dwelling, or to the play area in the side yard. The front and rear yards are well landscaped with mature trees. Trees, flowers and shrubbery are located in the front, side and rear yards 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-200. A child day care facility for 30 children is allowed by special exception in the R-200 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 Potomac Subregion (2002) 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 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 expansion of the 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 are 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 ~~nine~~ ten (2 for the home, 2 3 for the non-resident employees, and 5 for drop-off and pick-up of children. The property contains a three-car garage to accommodate the resident's vehicles. There is a large circular driveway and parking area that can park at least 11 additional vehicles during off-peak periods and that will be used by the parents for morning drop-off and afternoon pick-up. There is 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 circular 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 October 16, 2009, 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.

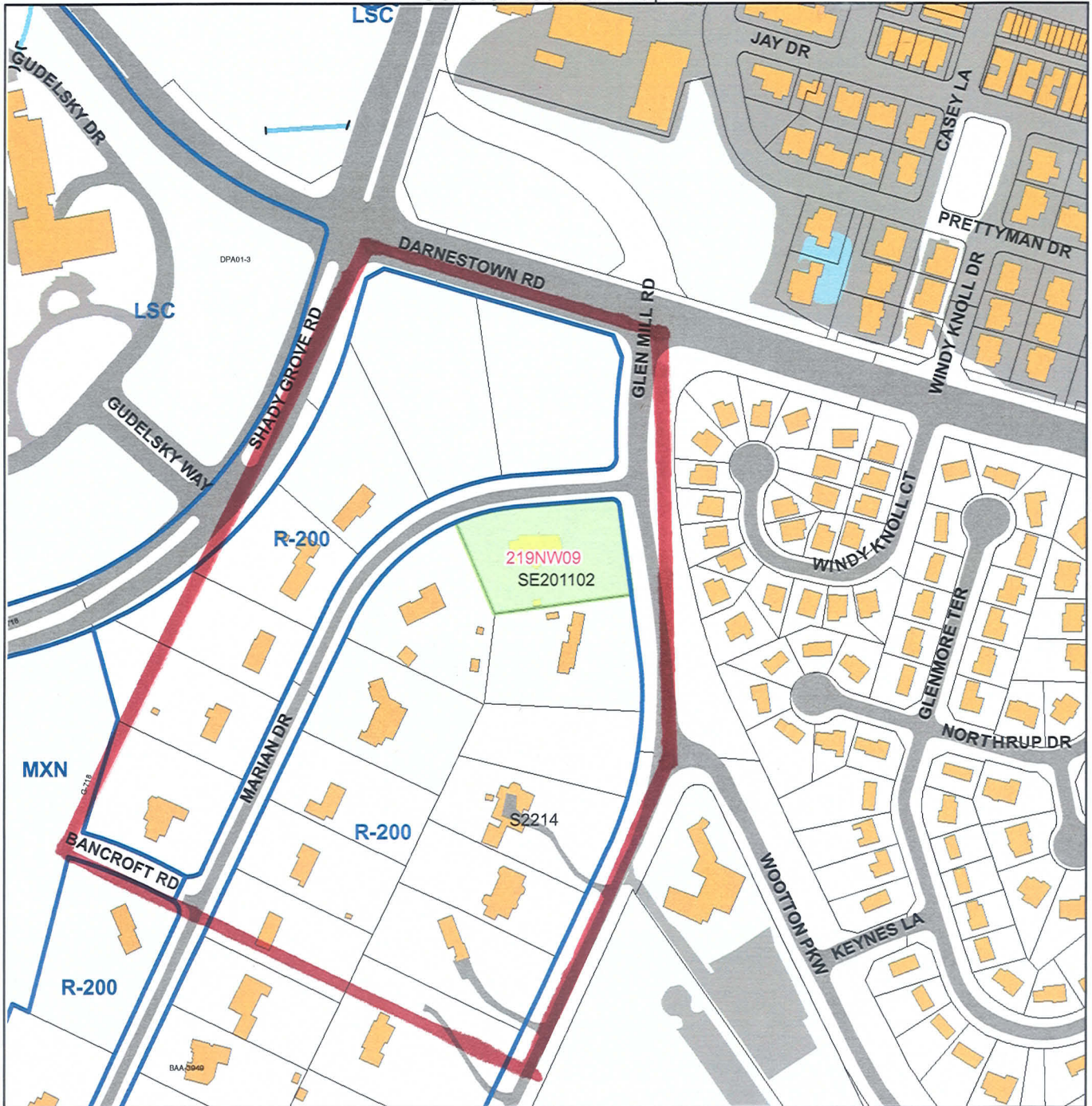
Conclusion

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 and Neighborhood Map
2. Zoning Map
3. Survey Plat
4. Site Plan with Parking Layout
5. Landscape and Lighting Plan
6. Floor Plan
7. Photographs of Site
8. Affidavit of Compliance
9. Child Development Program License
10. Vision Division Memo
11. Revised Transportation Memo
12. Environmental Letter
13. Letters of Support

General Location Map



LEGEND

-  Proposed Special Exception
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

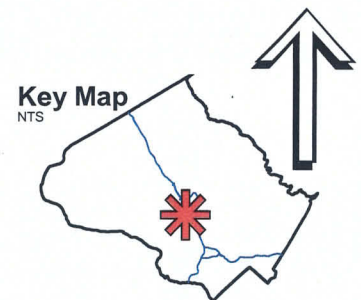
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

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 = 300 feet

Address: 14315 Marian Dr, Rockville

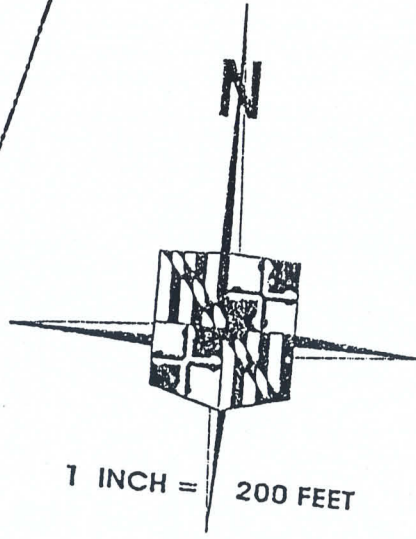


C

K.G. Thomas

3551/428
265.37 Ac.

P380

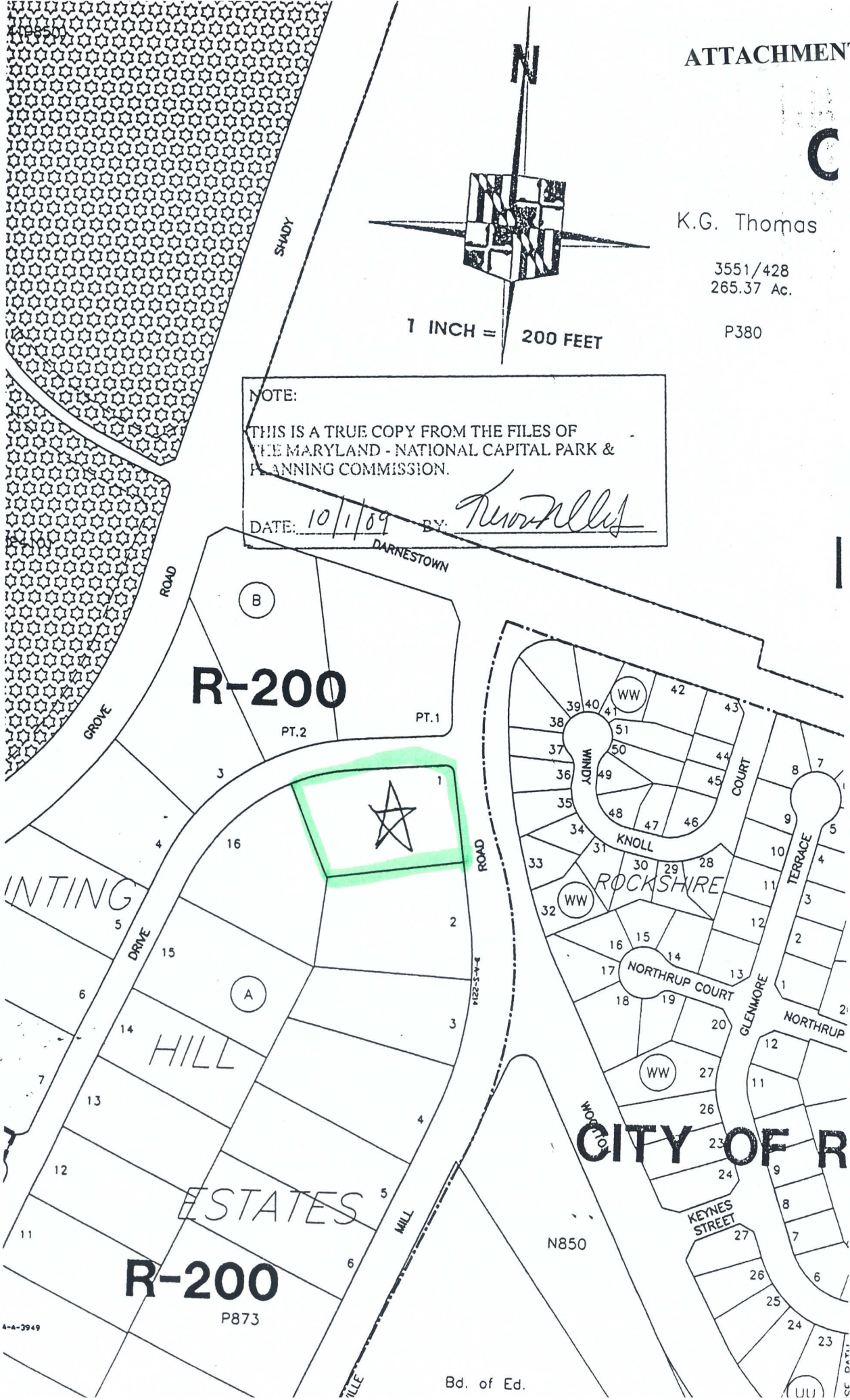


NOTE:

THIS IS A TRUE COPY FROM THE FILES OF
THE MARYLAND - NATIONAL CAPITAL PARK &
PLANNING COMMISSION.

DATE: 10/1/09

BY:



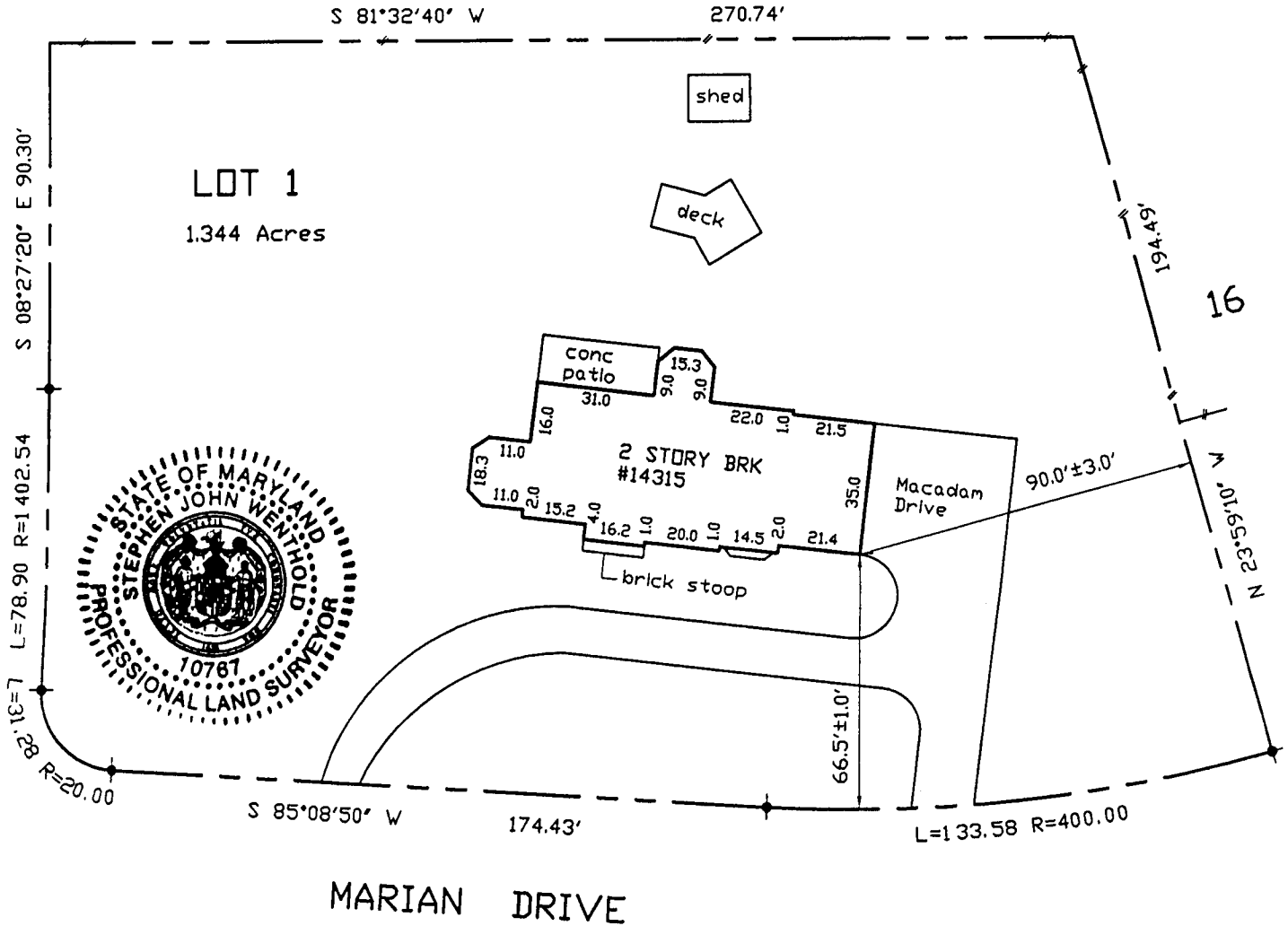
R-200

R-200

CITY OF R



2



No evidence of property corners was found.
Apparent occupation is shown.

Date: 11-28-08
 Plat Book: 55
 Plat No.: 4407
 Work Order: 08-2491
 Address: 14315 MARIAN DRIVE
 District: 4
 Jurisdiction: MONTGOMERY COUNTY, MD

Scale: 1" = 45' Dwn: R.C.D.
 NO TITLE REPORT FURNISHED

Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

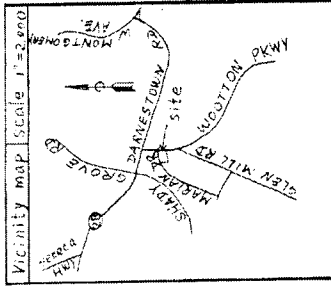
Stephen Wenthold

LOCATION DRAWING
 LOT 1, BLOCK A
 HUNTING HILL ESTATES

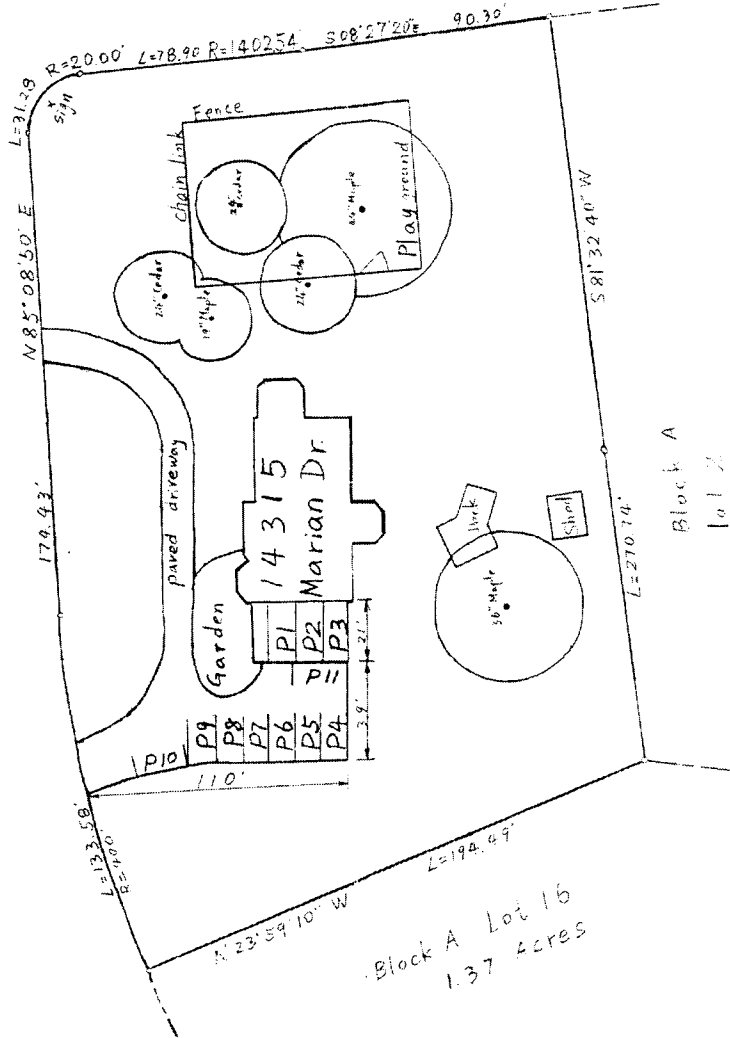
NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



Meridian Surveys, Inc.
 811 Russell Avenue
 Suite #303
 Gaithersburg, MD 20879
 (301) 721-9400



MARIAN DRIVE



GENERAL NOTES

1. Lot 1, as shown, is included on a Subdivision Record Plat recorded amount the land Records of Montgomery County, MD in Plat Book 95 as Plat 4407.
2. Legal Description: Lot 1 Block A, Hunting Hill Estate
3. Lot Size: 1.344 Acres
4. Existing zoning: R-200
5. Street Address: 14315 Marian Dr., Rockville, MD 20850
6. Proposed land use: Childcare center for up to 30 children
7. Limits of disturbances = 0
8. No forest will be cleared

Off Street Parking Space	Required	Provided
Children (30)	5	5
Resident Staff	2	2
Non Resident Staff	3	4
Total	10	11

LEGEND

- P1 - P3 Garage Parking Space (21' x 36')
- P4 - P9 Perpendicular Parking Space (8 1/2' x 18')
- P10, P11 Parallel Parking Space (7' x 21')

TITLE		SITE PLAN WITH PARKING LAYOUT	
SCALE	1" = 30'	DATE	07/2010
APPROVED BY		DATE	07/2010
PROJECT		14315 MARIAN DR., ROCKVILLE, MD 20850	
DRAWING			

LEGEND

- 1 Lamp post
- 2 Motion sensor light
- 3 Switch light
- 4 Pine Tree
- 5 Maple
- 6 Shrubs
- 7 Flowers
- 8 Evergreen
- 9 Plants
- 10 Trees
- 11 Wooden Fence (4')
- 12 Chain Link Fence (4')
- 13 Sand box
- 14 Picnic Table 1
- 15 Play set 1
- 16 Play set 2
- 17 Picnic Table 2
- 18 Dome
- 19 Sign
- 20 New Wooden Fence (6')
- 21 New Wooden Fence (4')

LANDSCAPING AND LIGHTING PLAN

ILLUMINATION

Exterior illumination consists of residential style fixtures, providing safety for parents and children entering and exiting the center without causing glare to surrounding properties. There are 50-watt lamps mounted on the back of the house, on the garage side, and at the back of the house. There are also 75-watt motion sensor lights in the front of house, at the corner of the garage, and along the back of the house. Along the circular driveway, besides steps, landscape lamps (about six feet high), there are 20 solar lamps mounted on 1.5-foot high stakes to provide safety for cars driving by.

TREES

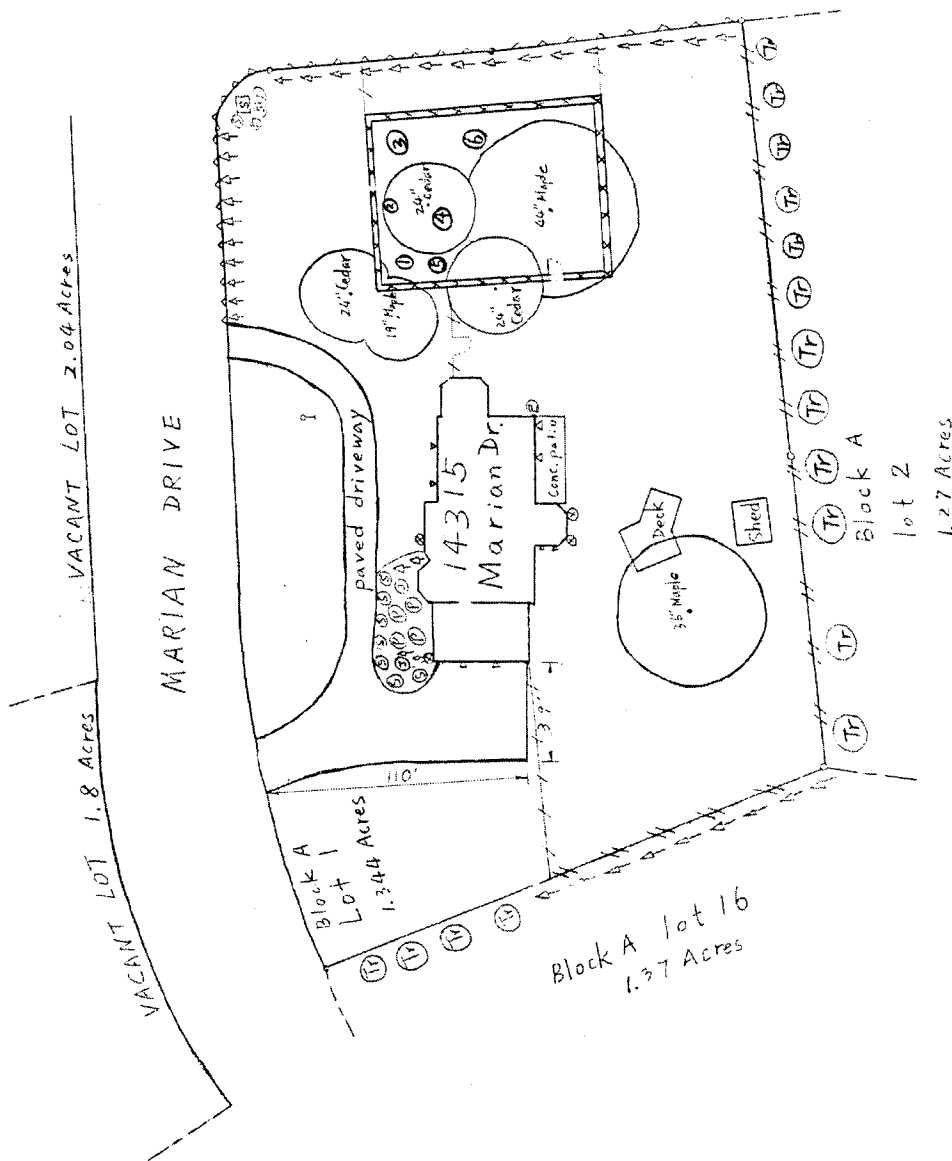
No additional tree planting is proposed. The eastern and northern sides of the lot, where the playground is located, are screened with 20 cypress, evergreen trees. This screening is to the south and to the west, however many mature trees running along their property line, which provides further screening.

FENCING

The existing fencing along the southern and western sides of the property is in the wired 3 rail split style. A six foot high wooden fence will be installed along the property line on Glen Hill Road and Eastern part of Marian Dr.

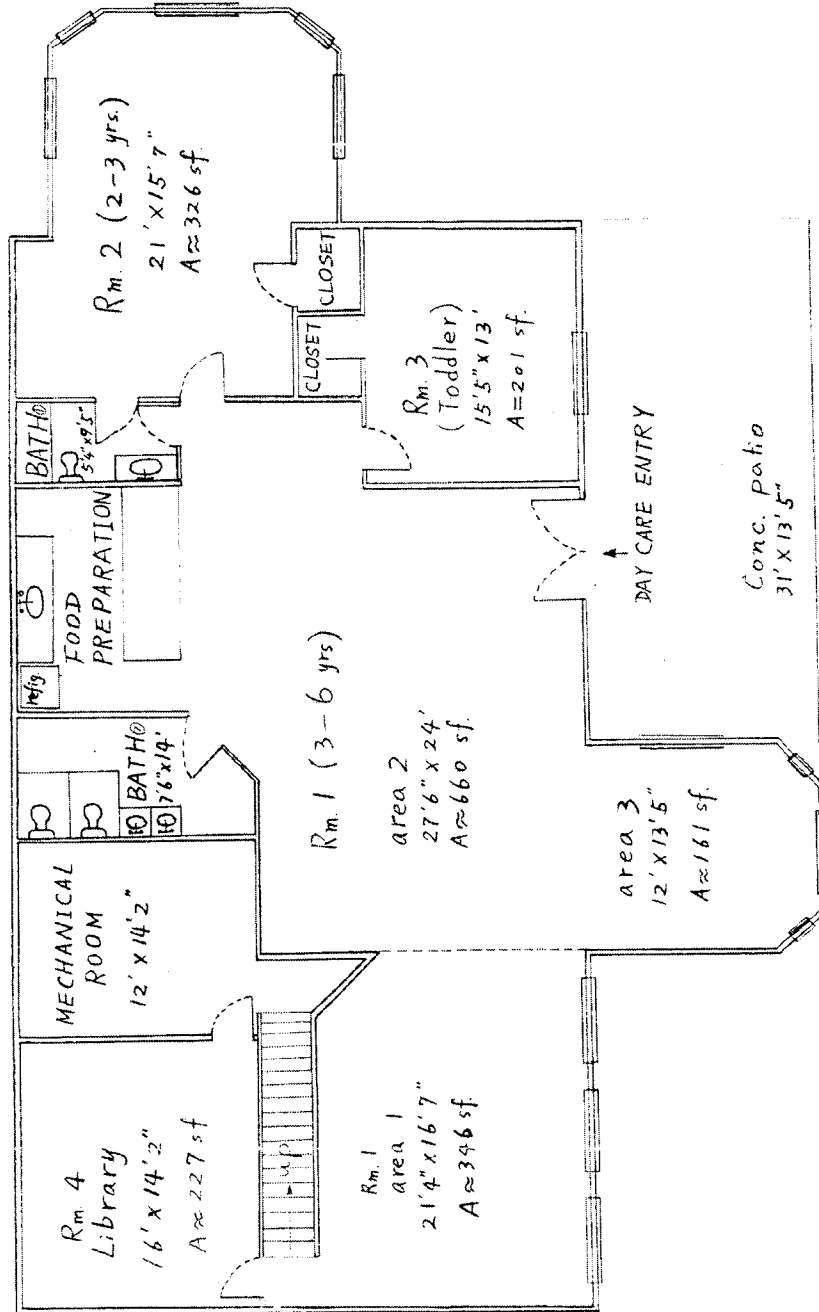
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

GLEN MILL ROAD



TITLE		LANDSCAPING AND LIGHTING PLAN	
SCALE	1" = 30'	APPROVED BY	
DATE	04/20/10	DESIGNED BY	
		14315 MARIAN DR., ROCKVILLE, MD 20850	
		DRAWING NO.	

MARIAN DRIVE



TITLE		LGMC CHILDCARE FLOOR PLAN	
SCALE	1" = 5'	DESIGNED BY	
DATE	04/20/10	APPROVED BY	
		PROJECT NO.	
		14315 MARIAN DR., ROCKVILLE, MD 20850	
		DRAWING NO.	

Northwest view of the property



14315 Marian Dr., Rockville MD 20850

North view of the property (front view)



Northeast view of the property



14315 Marian Dr., Rockville MD 20850

Northeast view of the property



14315 Marian Dr., Rockville MD 20850

Northeast view : Sign at the corner of Glen Mill Rd. and Marian Dr.



East view of the property: playground



14315 Marian Dr., Rockville MD 20850

Southeast view of the property. child care entrance



South view of the property (back view): child care entrance



14315 Marian Dr., Rockville MD 20850

West view of the property: garage and parking space



Side yard on West side



14315 Marian Dr., Rockville MD 20850

West side yard facing 14312 Marian Dr. (vacant lot)



Screening along Marian Dr



14315 Marian Dr., Rockville MD 20850

Screening along Marian Dr



Screening along Glen Mill Rd. (facing South)



14315 Marian Dr., Rockville MD 20850

Screening along Glen Mill Rd. (facing North)



Front door view (facing West)



14315 Marian Dr., Rockville MD 20850

Front door view of facing 14312 Marian Dr. (vacant lot)



Front door view of facing 14316 Marian Dr. (vacant lot)



14315 Marian Dr., Rockville MD 20850

Playground facing 14300 Glen Mill Road



Playground facing 14300 Glen Mill Road



14315 Marian Dr., Rockville MD 20850

Marian Dr. view (facing Glen Mill Road)



Inside of childcare facility



14315 Marian Dr., Rockville MD 20850

Inside of childcare facility



14315 Marian Dr., Rockville MD 20850

Inside of childcare facility



14315 Marian Dr., Rockville MD 20850

Inside of childcare facility



AFFIDAVIT OF COMPLIANCE

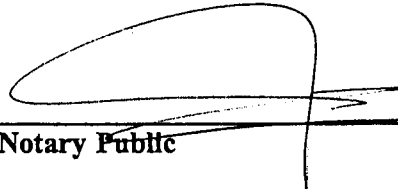
I HEREBY CERTIFY that I will comply with and satisfy all applicable State and County requirements, correct any deficiencies found in any government inspection, and be bound by this affidavit as a condition of approval for the special exception.

I understand that if I fail to meet State or County requirements, this special exception may be declared invalid.



Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this 16th day of October, 2009.



Notary Public

My Commission Expires: Nov. 15th 2010



State of Maryland - Department of Education
Office of Child Care
CHILD DEVELOPMENT PROGRAM LICENSE

Region: 5
County: MONTGOMERY
License Number: 154325
Licensed Center since: 02/19/2009
School Number:
Approved Since:

Little Genius Montessori Center
14315 Marain Drive, Rockville, MD 20850
Operated by Margaret Zhang

The Office of Child Care issues this license pursuant to Family Law Article, Sections 5-570 through 5-585, and COMAR 13A.16.01-.19.
___ In addition, an approval is issued pursuant to Education Article, Section 2-206, Annotated Code of Maryland and COMAR 13A.16.16.

Issued on:	02/19/2009
Revised on:	
Expires on:	01/31/2011
Status:	Initial - Full

Room	Cap.
Room 1	12

Key Child Care Educational Program	6 wks through 17 mos	18 mos through 23 mos	2 years	3 years	4 years	5 yrs through 15 yrs	16 yrs through 20 yrs
	No	No	Yes	Yes	Yes	Yes	No
	No	No	No	No	No	No	No
	No	No	No	No	No	No	No
	No	No	No	No	No	No	No

Months:	January - December
Days:	Monday - Friday
Hours:	07:44 AM - 06:00 PM
T o t a l Capacity:	12

This Child Care Center License is issued to the licensee named above on condition that the licensee agrees to comply with all applicable child care center licensing laws and regulations. Failure to comply with applicable laws and regulations may result in an enforcement action against this License, including but not limited to suspension or revocation of the License or denial of a new License. The licensee must surrender this License to the Office of Child Care upon suspension, revocation, voluntary closure, or denial of a new License. The licensee must notify the Office of Child Care of a change in ownership of the child care center prior to its effective date.

RESTRICTIONS/COMMENTS: APPROVED NAPPING AREAS: TWO MAIN AREAS IN BASEMENT AND BOTH BEDROOMS IN BASEMENT. OFF LIMITS AREAS: FIRST AND SECOND FLOOR, BACK YARD AREA TO THE RIGHT, SHED, ALL STORAGE AND UTILITY ROOMS. MUST MAINTAIN STAFF CHILD RATIO IN ACCORDANCE WITH COMAR 13A.16.08 AT ALL TIMES. APPROVED AUXILIARY SPACE: BEDROOM #2 CAPACITY SIX(6), BEDROOM #3 CAPACITY EIGHT (8), AND ROOM #4 CAPACITY OF SIX (6). *ANNIVERSARY MONTH IS JANUARY*

Nancy S. Grasmick
State Superintendent of Schools
Maryland State Department of Education



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

MEMORANDUM

DATE: December 6, 2010

TO: ^{CM -} Callum Murray, Team Potomac and Rural Region Team, Community-Based Planning/Vision Division

VIA: Carlton Gilbert, Planner Coordinator, Zoning Office - Development Review/Build Division

FROM: Vanessa N. Francis, Senior Planner, North Central Transit Team, Community-Based Planning/Vision Division *VNF*

SUBJECT: **Board of Appeals Petition No. S.E. 11-02**

Master Plan Conformance

The referenced application is a request for a child day care center. The property is located at 14315 Marian Drive, Rockville in the Potomac Subregion Master Plan area. The subject site is located in the Hunting Hill Estates subdivision and consists of 58,370 square feet of land. The site is zoned R-200 and is improved with a single family detached dwelling unit. The applicant is requesting to establish a child day care center responsible for up to 30 children. The applicant has operated a child day care facility at the subject property since February 2009 and currently holds a license to operate the facility for up to 12 non-resident children.

The site is situated within the North Potomac Planning Area of the Adopted and Approved 2002 Potomac Subregion Master Plan. While the Plan does not specifically address child day care centers, the proposed use is allowed in accordance with the Special Exception uses of the Montgomery County Zoning Ordinance (§59-C-1.31)

Staff has determined that the proposed use is compatible with the neighborhood due to the following: (1) The property will maintain its residential appearance – no external changes will be made to the dwelling unit on the subject site; (2) Only the basement/lower level of the property will be used for the operation of the facility; (3) there is a circular driveway on the property and a parking area that can provide up to 11 off-street parking spaces. In addition, several facility attendees live nearby and walk to the property, further reducing traffic; and (3) the rear and side yard of the property will be used as a play area and a six-foot high wood fence will be installed. The play area will have recreational equipment (see Figures 1 – 6).

Recommendation

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

Figure 1: Front View of Property



Figure 2: View of Property from the corner of Marian Drive and Glen Mill Road



Figure 3: View of Circular Driveway



Figure 4: View of Parking Area



Figure 5: Entrance to Child Care Facility (Rear View of Property)



Figure 6: Play Area





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

MEMORANDUM

DATE: January 4, 2011

TO: Carlton Gilbert
 Development Review Division

FROM: Ki H. Kim, Planner-Coordinator *KKK*
 Transportation Planning Division

SUBJECT: Child Day Care Facility for up to 30 Children, Potomac
 Special Exception Case Number: S.E.- 11-2

This memorandum represents Transportation Planning staff's review and recommendations on the subject special exception application of the Child Day Care Facility located at 14315 Marian Drive in the Potomac area.

Transportation Planning staff has reviewed the existing child day care facility's proposal to increase the number of students up to 30 from the currently approved 12 and finds that the proposed increase of children would not have an adverse effect on the nearby road system. The site is located off Marian Drive which was built as a tertiary residential street with 50-foot-wide right-of-way and 20-foot-wide pavement width. The existing vehicular access point and pedestrian circulation system on the nearby road system would not be affected by the proposal.

Based on the information contained in the Statement of Operation regarding the number of additional students and employees, the site would generate approximately 15 AM and 14 PM peak-hour trips during the weekdays peak period. Therefore, it is meeting the Local Area Transportation Review requirements because the site is generating less than 30 peak-hour trips. It is estimated that of the total trips, less than 5 trips will be new (trips that are not pass-by or diverted) and of those trips, 35% are required to be mitigated as part of meeting the Policy Area Mobility Review (PAMR) mitigation for the sites located within the R&D Policy Area. However, of all the employees, 50% or at least 3 peak hour trips are being mitigated due to employees residing on site or making off peak trips to the site. Therefore, the application is meeting the PAMR requirements.

It is therefore staff's conclusion that the application meets the transportation requirements and has no objection to any approval of this application.

KK:tc



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

November 20, 2009

Ms. Margaret Zhang
14315 Marian Drive
Rockville, MD 20850

Re: Forest Conservation Exemption Request
Property Name: 14315 Marian Drive
Plan Number: 42010080E

Dear Ms. Zhang:

Based on the review by Environmental Planning staff of the Maryland National Capital Park and Planning Commission, the Forest Conservation Exemption Request submitted to M-NCPPC on November 9, 2009 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(q)(1) because the proposed project is a special exception application for an existing structure and the proposed use will not result in clearing of existing forest or trees.

Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions, please feel free to contact me at 301-495-4712 or douglas.johnsen@mncppc-mc.org.

Sincerely,

A handwritten signature in black ink that reads "Doug Johnson".

Doug Johnson, RLA
Environmental Planning

Cc: 42010080E

Gilbert, Carlton

From: Fuster, Marco
Sent: Tuesday, December 07, 2010 1:08 PM
To: Gilbert, Carlton; Kim, Ki
Cc: Etemadi, Shahriar; Krasnow, Rose
Subject: RE: SE-11-2 Child Care for up to 30 children, 14315 Marian Drive, Rockville

Carlton,

The Forest Conservation exemption 42010080E for the application was approved on 11/20/2009. The project does not propose clearing of forest or trees, and environmental planning has no comments/concerns for the application.

The approval memo, declaration of intent (DOI), exemption application, and plan can be viewed at the DAIC link below:

<http://www.daicsearch.org/imageENABLE/search.asp?Keyword=42010080E>

Application #: 42010080E
Application Type: FCP EXEMPTION
Application Name: HUNTING HILL ESTATES
Site Location: HUNTING HILL ESTATES LOT 1 BLOCK A ON 14315 MARIAN DRIVE @ GLEN MILL ROAD
Size: 1.34 ACRE
Master Plan: Potomac Subregion 2002
Watershed: watts Branch
Application Accepted Date: 11/10/2009
Owner MARGARET ZHANG
14315 MARAN DRIVE
ROCKVILLE, MD 20850
Day Phone: (301)738-7851x

Marco Fuster
Environmental Planning Division
301-495-4521
Email: marco.fuster@mncppc-mc.org

Find and find out about
Forest Conservation
Easements!

Click Here

From: Gilbert, Carlton
Sent: Tuesday, December 07, 2010 11:53 AM
To: Kim, Ki; Fuster, Marco

Michael Hepfer & Elly Cheng
203 Oak Knoll Drive
Rockville, MD 20850

Hearing Examiner
Office of Zoning and Administrative Hearing
100 Maryland Ave. Room 200
Rockville, MD 20850
RE: Special Exception Application SE 11-2
14315 Marian Dr., Rockville, MD 20850

November 12, 2010

Dear Sir or Madame,

We are writing this letter to support the application submitted by the Little Genius Montessori Center (LGMC) for expansion. We have been very fortunate to have found this school for our four year old daughter who enrolled this fall after moving from California. Although we have always hoped to teach our children the Chinese language, it was difficult to find a great school with Chinese immersion which also follows a Montessori curriculum. We wish there was a similar program for our seven year old son so that he could benefit from the exceptional learning opportunities that his sister has experienced.

The center is situated on a large lot on a quiet road near Shady Grove Rd and Darnestown Rd off Glen Mill Rd. The school serves families who live or work in the Rockville area. The school has a large parking area with a circular drive way which makes drop off and pick up organized and stress-free. The school's entrance is through the back of the building and away from the street which provides extra safety for the children. The playground is fenced off and on the street side of the building to ensure that the neighboring properties are not affected by the children's outdoor activities.

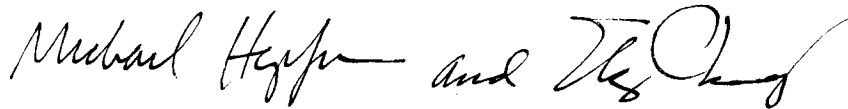
After visiting the center, you can easily notice that the director, Mrs. Margaret Zhang, puts extensive thought and careful planning into every aspect of the center. The long wait list also speaks for itself regarding the success of this program. We are delighted that in two months, our daughter speaks fluently and sings in Chinese and recognizes many complicated Chinese characters. She enjoys learning music and math and is overall more confident. Both teachers are extremely patient with the children. They teach children to be independent, self-motivated and confident which provides them the tools needed to succeed in their future.

We highly support the LGMC plan to expand their center so that many more families may benefit from the great program they provide. Here they learn about the Chinese language and culture. There are many families with one Chinese parent or who have adopted Chinese children and desire this program as a wonderful way to teach their children.

When LGMC is ready to start an after-school Chinese Immersion program, my two children will definitely be one of the first to enroll.

Thank you for your time and please contact us if we can provide any additional information.

Sincerely,

A handwritten signature in black ink that reads "Michael Hepfer and Elly Cheng". The signature is written in a cursive style with a large, stylized initial 'M' for Michael and 'E' for Elly.

Michael Hepfer and Elly Cheng

2441 McCormick Rd,
Rockville MD 20850

Office of Hearing Examiner
100 Maryland Ave.
Rockville, MD 20850


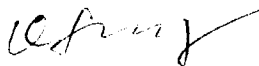
RE: Special exception Application SE 11 – 2
14315 Marian Dr. Rockville, MD 20850

Dear Hearing Examiner,

We are the parents of twins, Ethan and Elaine. They are four years old and both of them attend Little Genius Montessori School (LGMC). We live right across the street from the school, so dropping off and picking up the children is right on our way to and from work. The convenience of the location was the first thing that stood out to us about LGMC and attracted us to visit.

Once we visited, it was clear to us that LGMC was the right place for our children. Since being here, Ethan has excelled in learning math, science, reading, and spelling, and Elaine has made great progress in art, math and writing. We speak Chinese at home, so both of them are learning to read, speak and write English at school. The bilingual preschool is a great educational opportunity for all the children of this neighborhood. Bilingual education from a very young age builds a solid mental foundation for all types of learning later on. The children are also getting a well-rounded education, made all the more effective by the Montessori system. The teachers at LGMC teach Chinese, English, mathematics, Arts, science and music. We have been very pleased with LGMC. Please consider LGMC for a special exception, so that more families in our neighborhood can benefit from the service they provide.

Sincerely,



Difei Wang, Ph.D.
Bingbing Deng

Mr. Martin Grossman, Director
Office of Zoning and Administrative Hearing
100 Maryland Ave. Room 200
Rockville, MD 20850

RE: Special Exception Application SE 11-2
14315 Marian Dr., Rockville, MD 20850

Dear Mr. Grossman:

We are writing to support Little Genius Montessori Center's petition for expansion.

We live very close to LGMC, and I also work very nearby. The distance between my workplace and Little Genius Montessori is short enough to walk easily, making it very convenient for myself or my wife to drop off and pick up my son. One of us drops off and picks up our son everyday, and neither of us has not noticed any problem with traffic or noise control.

LGMC is a very unique school in that it is the only Chinese immersion school in Montgomery County. The teachers are highly educated and we love their program. They also discipline their students well, with loving hearts and patience, and as a result, the children are lively and well-behaved. Meanwhile, the children have a lot of fun and learn a lot about advanced subjects such as music, science, math, English, and of course Chinese. All the children enjoy their time at LGMC very much. It is a great environment for them to be children while learning things they would not otherwise even be exposed to at such a young age.

Our second son is on the waiting list for Little Genius Montessori. We really hope for LGMC's petition to be granted, so our second child and other families on the waiting list can enroll in such a wonderful program.

Sincerely,


Yingda Wen

2700 Keyne Lane
Rockville MD 20850

Hearing Examiner
Office of Zoning and Administrative Hearing
100 Maryland Ave. Room 200
Rockville, MD 20850

November 9, 2010

RE: Special Exception Application SE 11-2

Dear Hearing Examiner:

Our son Andrew is a student at Little Genius Montessori Center in Rockville, Maryland. We love Little Genius and plan to send our 2-year-old daughter when there is space available. My family lives directly across Glen Mill Road, and one of us or our parents always walks Andrew to school. Neither traffic nor safety issues on Glen Mill Road have ever presented a problem for us. We have found the teachers and the classroom environment at Little Genius to be exemplary, and the only negative part of the experience so far has been that Andrew had to wait for over a year on the wait list for enrollment. Unfortunately, even then there was only space for him as a part time student at the first seven months. We completely support Little Genius' petition for expansion. The community certainly has the need for more high-quality educational childcare.

Sincerely,

The image shows two handwritten signatures in cursive. The first signature is 'Shenwei' and the second is 'Audrey Shen'. Both are written in black ink.

Wei Sha & Audrey Shen

13811 Lambertina Place
Rockville, MD 20850

Office of Hearing Examiner
100 Maryland Ave. Room 200
Rockville, MD 20850

RE: Special exception Application SE 11 - 2
14315 Marian Dr. Rockville, MD 20850

Dear Hearing Examiner,

We live in the same community as Little Genius Montessori Center (LGMC). Both my husband and I pass by LGMC to and from work everyday and we did not notice there is a daycare center until one of our friends mentioned it to us. When I visited LGMC, their bright and spacious classroom immediately impressed me. The whole environment was neat and the children were very happy. Another huge plus is that it is so close to our house, close enough that we can walk when we so desired. I filled out an application form and put my son on the waiting list immediately. Fortunately, our son got into the program after a six month wait. We are very lucky that our son was able to enroll at Little Genius. Every day my son is happy and looks forward to going to school.

Besides an excellent indoor environment, Little Genius also has an outstanding outside facility. The convenient location, spacious parking and the circular driveway make drop off and pick up times smooth and pleasant.

We know that there are families in our neighborhood still on the waiting list. We strongly support Ms. Margaret Zhang's application to expand LGMC so that more families in our community can benefit from such high-quality childcare service.

Thank you for your consideration. If you need any more information from us, please let us know.

Sincerely yours,

Qitiao Liu
Yanlai Liu

