



**Special Exception, SE-12-01: Little Footprints Child Day Care**

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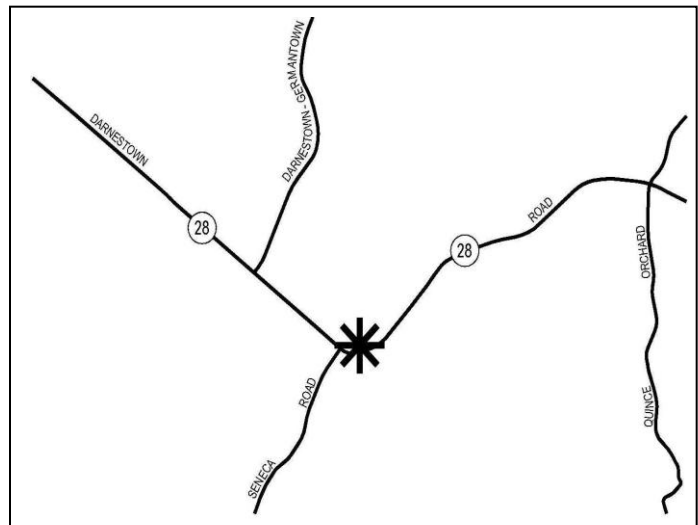
**Description**

**Special Exception No. 12-01: Little Footprints Child Day Care Facility**

Request for a special exception for up to 30 children for a child day care facility, 13905 Darnestown Road, R-200 Zone, 2002 Potomac Subregion Master Plan.

(Action Required for Hearing by the Hearing Examiner on April 19, 2012)

**Staff Recommendation:** Approval with Conditions  
**Applicant:** Moses and Nelly Solano  
**Date Submitted:** November 23, 2011



**Summary**

The applicants request permission to expand the existing by-right in-home daycare from twelve children to thirty children at 13905 Darnestown Road. The child day care use at the proposed location satisfies the specific special exception general conditions and standards for grant of a child daycare. The application does not conflict with any land use recommendations of the 2002 Potomac Subregion Master Plan or alter the residential character of the area and will not result in unacceptable noise, traffic, or environmental impacts on surrounding properties.

## **RECOMMENDATION**

Staff concludes that daycare for up to 30 children is an appropriate special exception use for the property and recommends APPROVAL with the following conditions:

1. All evidence, testimony and exhibits of record are binding on the applicant.
2. The child care use must be limited to 30 children not older than four years of age, and five non-resident employees.
3. Permitted hours of operation are Monday through Friday, 6:30 a.m. to 6:30 p.m.
4. The arrival and departure for children must be staggered between 6:30 a.m. and 10:30 a.m. and between 2:30 p.m. to 6:30 p.m., respectively.
5. The applicant must comply with Maryland State and Montgomery County standards for the operation of a child day care facility.

### **The Property**

The property is a 0.781-acre lot, Lot 17, owned by Nelly and Moses Solano, located at 13905 Darnestown Road, Darnestown, and is zoned R-200. The lot is shaped like a pentagon, with the long sides along the east and west sides and the point at the rear of the property. It is located on Darnestown Road abutting other single-family residences. The property consists of one two-story single-family home with a garage and a walk out basement. Currently, the 1,900 square foot basement is used as a child care facility for twelve children and has four rooms. There is a 990 square foot children's playground enclosed with a four-foot tall board fence. Existing lights consist of landscape lights, one pole mounted light, two spot lights at the gate, and residential style fixtures mounted on the brick pediments at the driveway entrance, front and rear entrance doorways, garage entrance, and rear deck. Access to the site is via Darnestown Road.

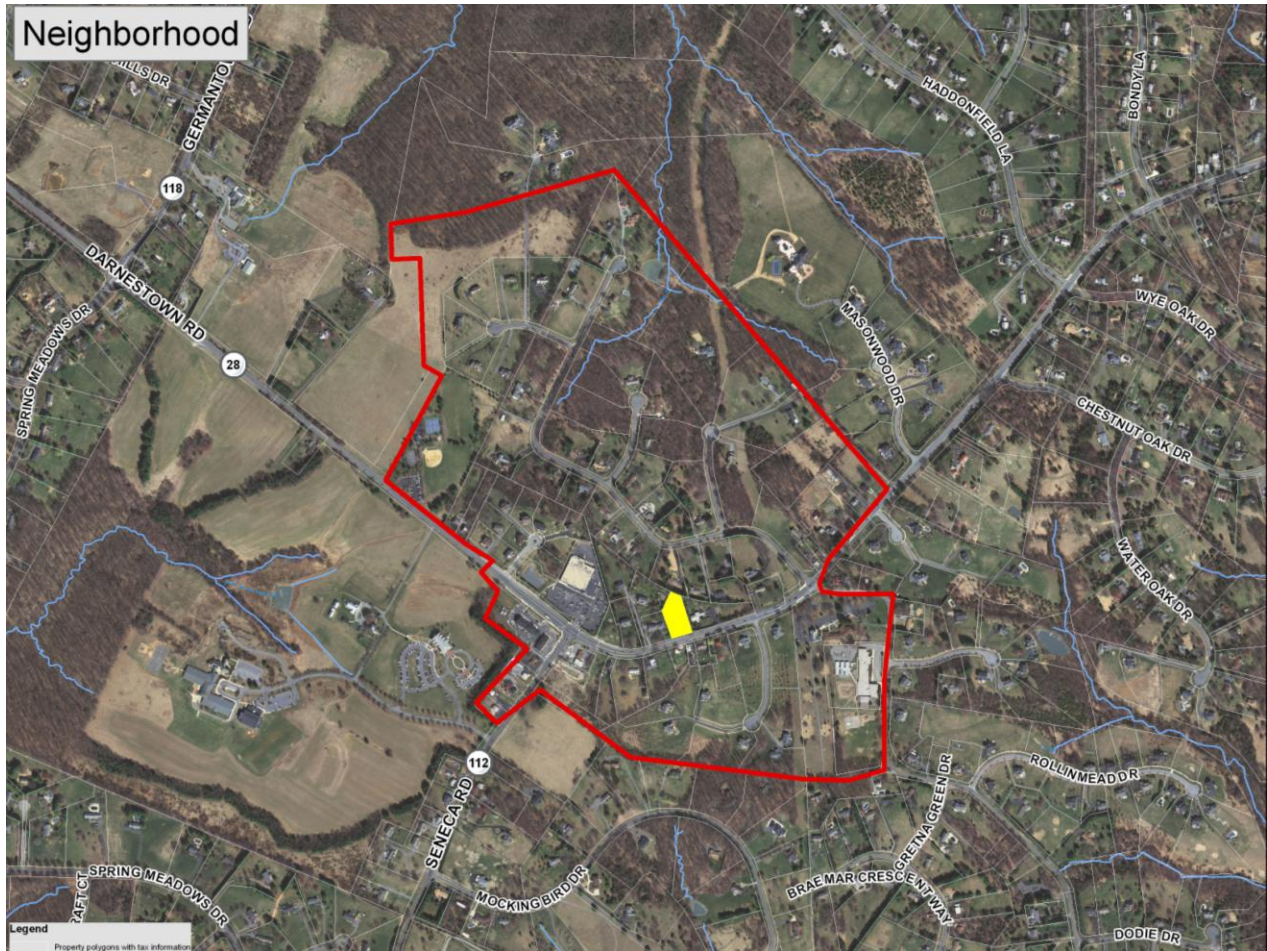
The property has stockade fencing located on a portion of the western side of the property and a white post and rail fence on the southern side of the property. Some of the remaining fencing depicted in the site photos is on the neighbors' property, three-rail split style fencing on the eastern property line and an eight foot high lattice vertical board fence on the northern property line. The neighbors have planted coniferous trees along the north property line. The eastern lot line is densely demarcated with forty-foot tall pine trees, the northern lot line with

seventy-five foot tall coniferous trees, the western lot line is lined with forty-foot tall Leyland cypress trees, and a portion of the southern lot boundary is lined by forty-foot tall pine trees.

### **The Neighborhood**

The neighborhood is bounded in red (see map below) following various property lines. The neighborhood consists of the commercial heart of Darnestown Village with a Harris Teeter grocery store, gas station, and small-scale retail and office uses. These commercial properties are zoned C-1 with a Rural Village Overlay Zone. The commercial center is bordered by low-density residential uses in the R-200 and the RC zones (to the north) and in the RE-2 zone south of Darnestown Road (to the east).

Special exceptions approved by the Board of Appeals in the area include: CBA-1620 for a service station, approved on 9/21/64; S-417 for a home occupation (lawn mower repairs), approved 9/11/75; and S-2572 for a telecommunication facility (cell tower), approved 6/18/03. The following approved special exceptions appear to no longer exist: S-2186 for a farm market, approved on 11/1/95; S-1461 for an antique shop, approved on 9/17/87; S-773A for a farm supply business approved on 4/11/85.



## Project Description

The applicants, Mrs. Nelly Solano and Mr. Moses Solano, propose to expand the existing licensed childcare facility by increasing the number of children permitted from 12 to 30. The 1,900 square foot daycare will be located on the basement level of the existing home. The applicant proposes to limit the age of the children to four years old or less. According to the applicant, there are 4 rooms used for activities related to the children's care<sup>1</sup>. Access to the daycare will continue to be from the rear of the home with an asphalt pathway leading from the eastern side of the yard from the parking lot to the rear of the house. This is the path parents will continue to use when picking-up and dropping-off their children. Part of the daycare business will be conducted on the main floor of the dwelling.

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<sup>1</sup> See attached Statement of Operations

The hours of operation will be between 6:30 A.M. and 6:30 P.M., Monday through Friday. Childcare will not be provided on weekends or overnight, at any time. Pick-up and drop-offs will occur on-site at staggered times in front of the home, which provides adequate room for five vehicles during morning drop-off and afternoon pick-ups. Children will be dropped-off between 6:30 a.m. and 10:30 a.m. and picked-up between 2:30 p.m. and 6:30 p.m.

The applicants propose to have five full time employees and one part time employee who will arrive during off peak hours. Two of the five full time employees reside at the daycare center. These employees will park their vehicles in the existing garage. The applicants propose an additional eight parking spaces and one handicapped space for staff and clients. In order to meet the parking setback requirements, the applicants propose to remove 3,019.5 square feet of existing asphalt and add 1,659.5 square feet of new asphalt, thus removing 1,360 square feet of asphalt. The driveway is twenty feet wide and can accommodate two vehicles.

The children's play area is 990 square feet and is located immediately on the northeast side of the property. The area is surrounded with a four foot tall wooden fence. The applicants propose to allow small groups of children, no more than fifteen children at one time, to play outside between the hours of 10 a.m. and 11:30 a.m. and 3:30 p.m. and 4:30 p.m. in order to minimize noise.

## **ANALYSIS**

### **Master Plan and Community Compatibility**

The property is located within the area covered by the 2002 Potomac Subregion Master Plan. The Master Plan does not have a specific recommendation for this property. The Plan does provide the following guidance on Special Exceptions. The proposed special exception conforms to the recommendations of the Master Plan.

As described in the Plan Highlights, the Potomac Subregion Master Plan focuses on “new development and redevelopment” that:

- “respect[s] and enhance[s] the Subregion’s environmental quality, while helping to build communities and resources that will serve existing and future generations of residents” (p. 1);
- “protect[s] the Chesapeake & Ohio Canal National Historical Park, major transportation corridors, and residential communities from incompatible design of special exception uses” (p. 2); and
- “avoid an excessive concentration of special exceptions along major transportation corridors” (p. 2).

This master plan provides the following guidance for telecommunications facilities and special exception uses (Special Exception Policy, pp. 35-36):

“This Plan endorses guidelines for locating special exception uses in residential areas and recommends a re-examination of the approval process for telecommunication facilities, particularly monopolies....The Master Plan seeks to provide guidelines that will protect residential areas while also attempting to meet important policy goals.

“Recommendations:

- “Limit the impacts of existing special exceptions in established neighborhoods. Increase the scrutiny in reviewing special exception applications for highly visible sites and properties adjacent to the Chesapeake & Ohio Canal National Historical Park.
- “Avoid an excessive concentration of special exceptions along major transportation corridors.

“Sites along these corridors are more vulnerable to over-concentration because they have high visibility. Uses that might diminish safety or reduce capacity of roadways with too many access points or conflicting turn movements should be discouraged.

- “Protect the Chesapeake & Ohio Canal National Historical Park, major transportation corridors and residential communities from incompatible design of special exception uses.

“In the design and review of special exception uses, the following guidelines should be followed in addition to those stated for special exception uses in the Zoning Ordinance:

- a. “Adhere to Zoning Ordinance requirements to examine compatibility with the architecture of the adjoining neighborhood...

- b. "Parking should be located and landscaped to minimize commercial appearance..."
- c. "Efforts should be made to enhance or augment screening and buffering as viewed from abutting residential areas and major roadways."

The property is not located near the Chesapeake and Ohio Canal National Historical Park, but is located on MD 28, Darnestown Road a major highway. Four special exception uses have been approved in the area and are still operational. Staff does not consider these special exception uses as a high concentration as the amount of trips generated are minimal.

The subject property will retain its residential appearance. The parking area will be located in the front and side of the residence. The parking area will be screened with additional landscaping and a six-foot tall board-on-board fence. The additional screening will shield the view of the parking area from Darnestown Road.

### **Subdivision**

No subdivision is required as the property is a recorded lot.

### **Transportation and Parking**

The applicants' proposal to increase the number of children from 12 to 30 would not have an adverse impact on the nearby road system. The site is located off Darnestown Road, classified as a major highway, via a twenty-foot wide driveway. The existing vehicular access point and pedestrian circulation system on the nearby road system will not be affected by the proposal. The use will generate less than 30 peak-hour trips. Therefore, no Local Area Transportation Review (LATR) is required. The site is located in the Rural Policy Area where there is no Policy Area Mobility Review (PAMR) mitigation requirement.

The applicants propose two residential employee parking spaces inside the garage, four employee parking spaces, four client parking spaces, and one client handicapped parking space for a total of eleven parking spaces. Staff and clients have staggered arrival and departure times. The proposed parking is sufficient for clients, staff, and residents.

### **Environment**

The proposal is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code. No forest conservation issues are associated with the site<sup>2</sup>.

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<sup>2</sup> See attached document.



## Landscape and Lighting



The attached Lighting Plan shows a total of 16 landscape lights (75W) at approximately 18 inches high around the parking lot (shown in the photo), along the child center entrance walkway, and in the child center play area. There are 6 building mounted sconce lights (75W) on the front and back of the residence. There are 3 pier/post mounted coach light (75W) on the brick wall gate and on a pole in the front yard (shown in the photo). There are 2 recessed lights (75W) on the back of the house. There are two spot lights on the entryway brick walls. There are no external lighting changes proposed. There is no glare onto adjoining properties. The attached Landscape Plan shows seven existing trees and two proposed trees on the site. The property is landscaped with shrubbery and flowers in both the front and rear yards.

## ZONING ORDINANCE

### Conditions for Granting

Following is the Standard for Evaluation provided by §59-G-1.2.1:

A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

The inherent physical and operational characteristics of a child day care facility include:

- vehicular trips to and from the site;
- outdoor play areas;
- noise generated by children;
- drop-off and pick-up areas; and
- lighting.

The child care use in this application is approximately 1,900 square feet and is 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. Staff finds that adequate parking would be available for parents and employees under the special exception proposal. Existing lighting on the property is adequate and consistent with the residential character of the neighborhood and no new lighting will be added. There will be no changes to the existing dwelling, or play area. The front, side, and rear yards are landscaped with mature trees on the applicants' property. There are no unusual non-inherent characteristics of the site. Staff finds that there are no non-inherent adverse effects arising from the child daycare sufficient to form a basis for denial.

**§59-G-1.21. General conditions.**

- (a) A special exception may be granted when the Board or the Hearing Examiner 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 care center up to 30 children is an allowed 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.

The proposed use complies with the specific regulations set forth in §59-G-2.13.1 for a child day care facility for a maximum of 30 children.

- (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 discussed in the above section, the proposed child day care facility is consistent with the 2002 Potomac Subregion 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 neighborhood is characterized by single-family residential uses. 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. The intensity and character of activity, traffic, and parking will be in harmony with the neighborhood. 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 the special exception 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 childcare use would have an adverse effect on the health, safety, security, morals or general welfare of 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.

- (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:

- (i) does not require approval of a new preliminary plan of subdivision; and

- (ii) the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the special exception's impact;

then the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board of Appeals or the Hearing Examiner 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.

The proposal will not require approval of a preliminary plan of subdivision. There will be a de minimus increase in the number of weekday peak period trips generated to the site, so no LATR/PAMR is required. Staff finds that the application satisfies transportation related requirements and will not reduce the safety of vehicular or pedestrian traffic because the existing driveway is large enough to accommodate the drop-off and pick-up of children. The applicant will also stagger arrivals and departures. The facility will have no impact upon schools, police and fire protection, water and sewer, public roads, storm drainage, or other public facilities. Staff recommends the applicants arrange an evaluation by DPS for the septic system at the earliest opportunity, to be included in the hearing examiner and the Board of Appeals' assessments.

- (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.

Applicant understands and will comply with this requirement.

- (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.

The applicant has signed an affidavit that states the applicant will comply with and satisfy all requirements.

### **§59-G-1.23. General Development Standards**

This application conforms to the general development standards for the R-200 zone as follows:

- (a) **Development Standards.** Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in §59- G-1.23 or in Section G-2.

<b>R-200 Development Standards</b>	<b>Required/Permitted</b>	<b>Proposed</b>	<b>Ordinance</b>
Minimum net lot area	20,000 square feet	33,117 square feet	§59- C-1.322(a)
Minimum lot width: - Along front building line - Along front street line	100 feet 25 feet	140 feet 140 feet	§59- C-1.322(b)
Yard requirements for a main building: Minimum setback Minimum side yard - One side - Sum of both sides - Abutting a public street Minimum rear yard	40 feet 12 feet 25 feet 40 feet 30 feet	84 feet 23 and 62 feet 85 feet 84 feet 82 feet*	§59- C-1.323(a) §59- C-1.323(b)(1) §59- C-1.323(b)(1) §59- C-1.323(a) §59- C-1.323(b)(2)
Maximum building: - Height  - Coverage of lot - Coverage of front yard	50 feet  25% 30%	36 feet in front 44 feet in rear 13%** 30% **	§59-C-1.327  §59-C-1.328 §59-C-1.328
Off-street parking requirement - Home - Child Day Care Facility ▪ Staff (non-resident) ▪ Drop Off/Pick Up	2 parking spaces  1 parking space per staff person 1 parking space per 6 children	2 parking spaces  3 parking spaces 5 parking spaces	§59-E-3.7  §59-E-3.7 §59-E-3.7
Accessory Building setbacks - From street line - From rear lot line - From side lot line	65 feet 7 feet 12 feet	214 feet 12 feet* 39 feet	§59-C-1.326(a)(3)
*Measurement based on closest corner of building to the closest rear line. ** Scaled from graphic.			

- (b) **Parking requirements.** Special exceptions are subject to all relevant requirements of §59-E.

Ten parking spaces and one handicapped parking space are proposed. Staff and clients have staggered arrival and departure times. The proposed parking is sufficient for clients, staff, and residents.

- (c) **Minimum frontage.** In the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that the

facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of §59-G-1.21:

- (1) Rifle, pistol and skeet-shooting range, outdoor.
- (2) Sand, gravel or clay pits, rock or stone quarries.
- (3) Sawmill.
- (4) Cemetery, animal.
- (5) Public utility buildings and public utility structures, including radio and T.V. broadcasting stations and telecommunication facilities.
- (6) Equestrian facility.
- (7) Heliport and helistop.

No waiver required or applicable.

- (d) **Forest conservation.** If a special exception is subject to Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.

As noted above, this property is not subject to the Forest Conservation Law as defined in Chapter 22A.

- (e) **Water quality plan.** If a special exception, approved by the Board, is inconsistent with an approved preliminary water quality plan, the applicant, before engaging in any land disturbance activities, must submit and secure approval of a revised water quality plan that the Planning Board and department find is consistent with the approved special exception. Any revised water quality plan must be filed as part of an application for the next development authorization review to be considered by the Planning Board, unless the Planning Department and the department find that the required revisions can be evaluated as part of the final water quality plan review.

A water quality plan is not required for this proposal as it is not in a designated special protection area.

- (f) **Signs.** The display of a sign must comply with §59-F.

The applicants do not meet the permanent sign standards as described in and required by §59-F-4.2 noted later in the report.

- (g) **Building compatibility in residential zones.** Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk, height, materials,

and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.

No building is proposed.

- (h) Lighting in residential zones. All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety.
  - (1) Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.
  - (2) Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.

No new lighting is proposed. The existing lighting consists of one pole mounted light, approximately six feet tall located in the front yard. There are sixteen capped landscape lights that are approximately 18 inches high around the parking lot, along the child care center entrance walkway, and in the child center play area. The existing exterior residential style fixtures are mounted on the brick pediments at the driveway entrance, front and rear entrance doorways, garage entrance, and rear deck. These fixtures are not shielded on the top so light is escaping towards the sky. Staff recommends that the applicants paint or screen the top portion of the light to create a capped residential light and reduce glare. Lighting outside of the entryway is shielded from the neighbors due to existing and proposed landscaping.

**§59-G-2.13.1. Child daycare 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;

The number of spaces required by §59-E-3.7 is eleven as discussed in the parking section. The applicant has provided adequate parking on-site and has met the parking requirements.

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

There is adequate space for drop-off and pick-up of children on-site. In addition, the drop-off and pick-up times of children are staggered.

- (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.

The applicants have submitted and signed an affidavit agreeing to comply with all State and County requirements, correct any deficiencies, and be bound by the affidavit.<sup>3</sup>

- (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.

The proposed use is compatible with the neighborhood as stated in the above sections and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The

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<sup>3</sup> See the attached affidavit.

applicants submitted a landscaping plan, which shows the height, location, caliper, and species of the existing and proposed trees on-site.

#### §59-F-4.2. Permanent Sign by Zone

This application does not conform to the permanent sign standards as follows:

In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any permanent sign not listed in this Section or which does not conform to the requirements listed in this Section must obtain a variance from the Department of Permitting Services.

(a) Residential Zone. The total area of all permanent signs on a lot or parcel in a residential zone must not exceed 2 square feet, unless additional area is permitted pursuant to this ordinance.

(1) Freestanding Sign.

(A) Number. One is allowed.

(B) Area. The sign must not exceed 2 square feet per sign.

(C) Placement.

1. Location. The sign must be set back at least 5 feet from the property line.

2. Height. A sign must not exceed 5 feet in height.

(D) Illumination. No illumination is allowed.



The applicants' proposed sign is located with one corner of the sign on the property line. The sign is 30 inches by 24 inches high with a smaller sign on the bottom of 30 inches by 8 inches high. The sign is approximately 6.7 square feet in size. The Ordinance specifies a maximum of two square feet. The sign is proposed to be illuminated by two battery operated or solar powered lights affixed to the ground.

The applicants' proposal does not conform to the permanent

sign standards as the sign is too large and should not be illuminated plus the sign is to be located on the property line and not the required 5 feet setback from the property line. The applicants could request a variance from the Sign Review Board for the proposal.

**§59-E. Off-Street Parking and Loading.**

This application conforms to the parking standards as follows:

**§59-E-2.83. Parking and Loading facilities for special exception uses in residential zones.**

This Section applies to an off-street parking facility for a special exception use that is located in a one-family residential zone if 3 or more parking spaces are provided. These standards are intended to mitigate potential adverse visual, noise, and environmental impacts of parking facilities on adjacent properties. In addition, these requirements improve the compatibility and attractiveness of parking facilities, promote pedestrian-friendly streets, and provide relief from un-shaded paved areas.

- (a) **Location.** Parking facilities must be located to maintain a residential character and a pedestrian-friendly street orientation.

A paved parking lot is located in the front of the residence on the west and east of the property and is surrounded by screening along the property lines. About 1,360 square feet of asphalt of the existing paved parking area will be removed.

- (b) **Setbacks.** Each parking and loading facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard requirement in the zone. The following additional setbacks must be provided for each parking facility:

The setback requirement of twice the building side yard in the R-200 zone is 24 feet and the applicants meet this requirement.

- (c) **Screening.** Each parking and loading facility, including driveway and dumpster areas, must be effectively screened from all abutting lots. Screening must be at least 6 feet high, and must consist of evergreen landscaping, a solid wood fence, a masonry wall, a berm, or a combination of them. Along all street right-of-ways screening of any parking and loading facility must be at least 3 feet high and consist of evergreen landscaping, a solid wood fence, or masonry wall.

The property is surrounded by coniferous trees. The southern and eastern property lines have pine trees, the northern property line contains coniferous trees, and the western property line contains Leyland cypress trees. The backyard is surrounded by a six foot tall board-on-board wooden fence. The applicants propose to add a six foot tall board-on-board wooden fence from the property line closest to the road to the end of the parking areas on the western and eastern property lines. Along the street right-of-way, the screening is a white wooden fence and the applicants propose to plant a three foot high evergreen hedge blocking the view of the parking lot from Darnestown Road.

- (d) **Shading of paved areas.** Trees must be planted and maintained throughout the parking facility to assure that at least 30 percent of the paved areas, including driveways, are shaded. Shading must be calculated by using the area of the tree crown at 15 years after the parking facility is built.

The proposed parking lot for is approximately 3,775 square feet. According to the submitted landscape plan, and aerial photograph, there exists a 14 inch diameter Beech (*Fagus grandiflora*) 15 feet from the edge of the lot, and a 10 inch diameter Red Maple (*Acer rubrum*) 3 feet from the edge of the lot. Two additional Red Maples are proposed, both 3 feet from the edge of the lot. No caliper is proposed in the landscape plans. We should make it a condition that the trees to be planted should be a minimum two and a half inch caliper.

American Beech trees typically reach 50-70 feet in height with a maximum of 100 to 120 feet, with a spread less than or equal to the height. Red maples typically reach 40 to 60 feet in height under most landscape conditions, although specimens of over 100 feet are known. Their spread is typically between two-thirds of, or equal to their height. Growth rates are medium to fast, and are typically 10 to 12 feet in 5 to 7 years.

The existing trees already partially shade the parking lot. Staff estimate that within 15 years, the total canopy cover for all trees will exceed 30 per cent of the parking lot.

- (e) **Compliance Requirement.** For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before May 6,

2002, the entire off-street parking facility must be brought into conformance with this Section.

An existing surface parking facility included as part of a special exception granted before May 6, 2002, is a conforming use.

### **§59-E-3.7. Schedule of requirements**

Off-street parking space must be provided as follows:

**Child day care facility.** For a family day care home or group day care home, one space for every non-resident staff member in addition to the residential parking requirement. The required number of spaces may be allowed on the street abutting the site. For a child day care center, one space for every non-resident staff member in addition to the residential parking requirement if applicable and adequate parking for discharge and pick up of children. In this instance, the average drop off and pick up space required is one space for every six children. Waivers and variances are allowed in accordance with the Zoning Ordinance.

**Dwelling, one-family.** Two parking spaces for each dwelling unit; except, that when the slope between the standard street sidewalk elevation at the front lot line and side lot line adjacent to a street, established in accordance with the county road construction code, and the finally graded lot elevation at the nearest building line exceeds, at every point along the front lot line, a grade of 3 inches per foot, such space shall not be required.

The child day care facility will consist of thirty children, one part time employee, and five full time employees. Two of the employees will reside at the child day care facility. Based on the above requirements, five spaces are required for drop off and pick up space of children, four non-resident staff member spaces, and two residential spaces for a total of eleven spaces. The applicants have met this requirement.

### **COMMUNITY CONCERNS**

At the time of writing the staff report, one letter was received in opposition to the proposed child care facility for two reasons: 1. increased traffic crossing Darnestown Road with an increased risk of crashes and; 2. the septic system may not be able to support the extra capacity<sup>4</sup>. See the attached documents with regards to the septic system from the applicants.

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<sup>4</sup> See attached letter.

## **CONCLUSION**

Based on review of the application and all information of record, staff concludes that the application, with the conditions imposed by staff, satisfies all relevant standards for granting a child daycare center special exception. For these reasons, staff recommends that application SE-12-01 for a child care facility special exception at 13905 Darnestown Road be approved, with conditions.

## **ATTACHMENTS**

- A Statement of Operation
- B Site Plans
- C Photos
- D Forest Conservation Application
- E Community Letter
- F Septic System

**Special Exception**

**ATTACHMENT A**

**Little Footprints  
13905 Darnestown Road  
Darnestown, Maryland 20878**

**STATEMENT OF OPERATIONS**

Petitioners Mrs. Nelly G. Solano and Mr. Moses R. Solano, residents and owners of the above property intent to apply to the Montgomery County Government for a **Special Exception Use** in order to increase the number of children served in their existing facility from 12 to 30 children.

It is understood that a **Child Day Care Program** with 30 children is a **Permitted Special Exception Use in the R-200 zone**, and may be granted through a petition process subject to the County Government review and approval.

Nelly G. Solano currently owns a child care program under the name **Little Footprints Early Care and Initial Education Center**, located in the lower level (basement) of her house. The program is licensed for twelve (12) children ages 6 weeks thru four (4) years.

The program provides early care and educational activities for infants, toddlers and pre-school children to enhance their social, emotional, cognitive, language and physical development. The Active Learning Curriculum allows the children to participate in child initiated activities as well as Teacher initiated activities.

Little Footprints is a well known program in the Darnestown area. Parents are extremely satisfied knowing that their children are well taken care of when they are at work.

Three (3) of our existing families have children that are **siblings** enrolled in our program, two families on our waiting list have also siblings waiting to be enrolled. In addition two of our parents are expecting their second child and are already asking for slots for their babies. Siblings will significantly reduced the number of trips in and out of the facility

There is a great need to increase the number of children served at Little Footprints since there is a waiting list and parents are constantly calling or referred by the existing parents.

Petitioner Mrs. Nelly G. Solano has eight (8) years of experience in monitoring the program operations of child care centers, family day care homes, in-home care and relative care providers in the District of Columbia to ensure the provision of adequate child care services for infants, toddlers, pre-school and before and after school children and verify compliance with Child Development Regulations. In addition Mrs. Solano has 17 years of experience in administering the program and activities of the Intake and Continuing Services Unit in the Early Care and Education Administration for child care services, Government of the District of Columbia.

The Petitioners are not aware of any other special exception uses of a similar nature in the neighborhood.

**Site and Building Description.** The property is located on 13905 Darnestown Road in Darnestown, Maryland, approximately ¾ mile east of the route 28 and route 112 intersection. Neighborhood boundaries include Rifle Ford road to the north, River Rd. to the South, route 124 to the east, and route 118 to the west. It is recorded as Lot 17, Block A, in the Darnestown outside Subdivision of Darnestown. It is approximately 34,007 square feet in size.

The site is at the street level with an existing 20 feet wide entrance. It has a paved parking area to accommodate approximately nine (9) cars. Existing property is a two stories single family detached residence with a fully finished walk out basement, wood frame structure, concrete foundation and composition roof surface. The exterior walls are brick/vinyl.

The gross floor area of the basement is approximately 1,900 square feet, big enough to accommodate thirty (30) children. The basement consists of four rooms as follows: the blue room, purple room, red room and the yellow room. Currently, the Petitioner uses the blue room for the infants and the purple room is used for the pre-school children for the majority of the time. The red and yellow rooms are used for circle time, reading time, science, art, and large motor coordination activities.

**The hours of operation** are Monday to Friday between the hours of 6:30 AM and 6:30 PM. The program will be closed on most Federal holidays.

The children are transported to the facility by parents between the hours of 6:30 and 10:00 AM and they will be picked-up between the hours of 2:30 and 6:30PM.

**Please see Exhibit No. 2 Existing Arrival and Departure Time for families and children.**

The drop-off and pick-up periods for the proposed center will be staggered throughout the morning and afternoon.

**Please see Exhibit No 3 Proposed Arrival and departure time for Families and Children during peak hours.**

**The playground** is approximately 1000 square feet, and is located immediately on the, northeast side of the property. The play area is fenced with four (4) feet high wood fence to provide secure play environment for the children.

In order to minimize noise for the proposed child day care facility the children will play outdoors in small groups according to their age of no more than fifteen (15) children at one time. Outdoor playtimes will be between the hours of 10:00 and 11:30 a.m. and 3:30 to 4:30 p.m. Otherwise, children will be engaged in planned learning activities indoors.



Outdoor play for the infants will be limited to stroller time. An appropriate child staff ratio will be maintained in accordance with the State Licensing Regulations. Outdoor play equipment and toys age appropriate are provided. Toys and movable equipment will be stored immediately after the play time period ends.

**The staff** for the proposed child day center will consist of five (5) full time employees. Two of these employees reside at the day care facility and will not make any trips during the AM or PM peak hour periods.

There will be a part time staff who will arrive and depart during the off peak hours.

**The working schedule** for the non-resident staff will be as follows:

Staff A Arrival at 7:00 Departure at 5:00  
Staff B Arrival at 7:30 Departure at 5:30  
Staff C Arrival at 9:00 Departure at 6:30  
Staff D Arrival at 10:30 Departure at 3:30

**See Exhibit No. 4 Proposed Arrival and Departure time for Staff**

**There are two parking areas;** one is located on the front west side of the property and the other area is located on the front east side of the property. The total parking area is approximately 5,375 square feet. There are nine (9) parking spaces, four of which would be designated for the staff. Five spaces including one Handicapped accessible space will be available for drop-off and pick-up parking. The driveway is approximately 20 feet in width and accommodates two lanes of traffic flowing in opposite directions, so incoming traffic would not be impeded by outgoing traffic.

**Landscaping.** The property is surrounded by coniferous trees. The eastern property line is densely enclosed with 40'+ pine trees. The northern lot line's enclosed with 75'+ coniferous trees. The western property line is densely enclosed with 40'+ Leyland cypress trees. A portion of the southern lot line is covered by 40'+ pine trees. None of the subject trees are on the child care center property.

One maple tree is proposed to be removed to provide for parking. The balance of the existing landscaping and trees are to remain. The landscaping is neatly maintained

**Screening.** New 3' high evergreen hedge is proposed along the street right-of way as noted on the Landscaping plan.

A 6' high fence is proposed along both side lot lines screening the proposed parking area.

**Illumination.** The existing exterior illumination consists of residential-style fixtures mounted on the brick pediments at the driveway entrance, front and rear entrance doorways, and garage entrance and rear deck.

One pole mounted light about 6' tall is located in the front yard.

There are approximately sixteen (16) landscape lights around the parking lot, along the child care center entrance walkway, and the child care center play area. The landscape lights are approximately 18' high 75W incandescent fixtures. Existing landscape lights will be relocated as shown on the site lighting plan.

**Fencing.** Existing fencing consists of 3-Rail Split style fencing along the eastern property line, eight feet high vertical board (lattice) on the northern property line. Fencing on the eastern and northern property line is not on the child care center property.

Existing fencing on the child care center property consists of stockade on a portion of the western side of the property, and post and rail (white) on the southern side of the property.

The play area is fenced with four (4) feet high wood fence.

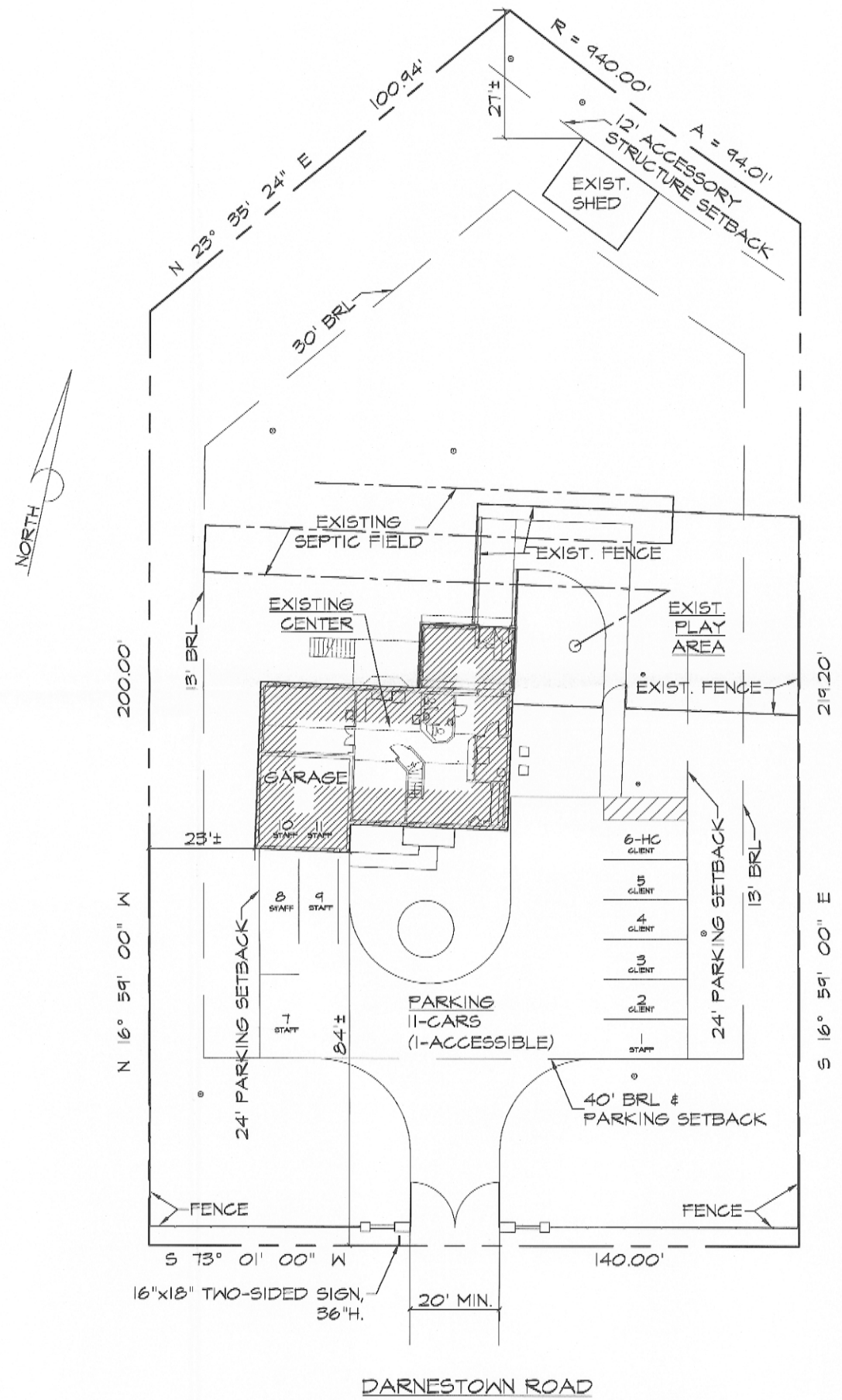
A 6' high fence is proposed along both side lot lines screening the proposed parking area.

**Signage.** A sign measuring 24" x 30", mounted between two 6"x 6" poles measuring 5' in height is proposed as showed on Exhibit No. The sign will be located in front of the property. Two batteries operated or solar powered lights, affixed to the ground, are proposed to illuminate the sign.

**Please see Exhibit No. 5**

**Trash** pick-up would be through normal residential, curb side service twice a week.

We believe that the proposed child day care center will be in harmony with the surrounding uses and will satisfy the general and specific criteria for approval of a child day care center for thirty (30) children.



**BUILDING DATA:**

ADDRESS: 13905 DARNESTOWN ROAD  
DARNESTOWN, MD 20878

EXISTING USE: RESIDENTIAL SINGLE FAMILY DETACHED DWELLING AND CHILD CARE CENTER FOR UP TO 12 CHILDREN

PROPOSED USE: RESIDENTIAL SINGLE FAMILY DETACHED DWELLING AND CHILD CARE CENTER FOR UP TO 30 CHILDREN

ZONING: R-200

LEGAL DESCRIPTION: LOT 17, BLOCK A, DARNESTOWN SENECA HIGHLANDS

LOT SIZE: 33,117 S.F.

EXISTING STORIES: TWO (2) W/ WALK OUT BASEMENT

PARKING:	REQUIRED	PROVIDED
CHILDREN (1/6)	5	5
NON-RESIDENT STAFF	4	4
RESIDENT STAFF	2	2
TOTAL:	11	11

(ALL STANDARD PARKING SPACES ARE 8.5' x 18', HANDICAP SPACE IS VAN ACCESSIBLE)  
 (ALL DRIVEWAYS ARE 20' WIDE, TWO-WAY)  
 (WALKWAYS ARE MIN. 4.5' WIDE, PAVED)

HOURS OF OPERATION: 6:30 AM TO 6:30 PM, MONDAY THROUGH FRIDAY

PLAY AREA: 990 S.F.

BUILDING HEIGHT: 36' FRONT, 44' REAR (SLOPED SITE)

BUILDING COVERAGE: 2,501 S.F. (7.5%)

GREEN SPACE: 24,523 S.F. (74%)

1 SITE PLAN - EXISTING  
SCALE: 1" = 20'-0"

**Little Footprints**  
 Early Care and Initial Education Center  
 13905 Darnestown Road, Darnestown, MD 20878

Issue Date: 10/4/11

Rev.	Date	Description	By

Montgomery County  
 NOV 28 2011  
 Planning Department

Sheet Title: SITE PLAN

NOTE:  
 SURVEY INFORMATION WAS PROVIDED BY THE OWNER. CEM DESIGN CANNOT CERTIFY THE ACCURACY OR COMPLETENESS OF THE SURVEY INFORMATION SHOWN ON THIS DRAWING.

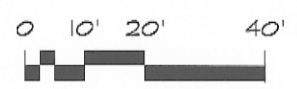
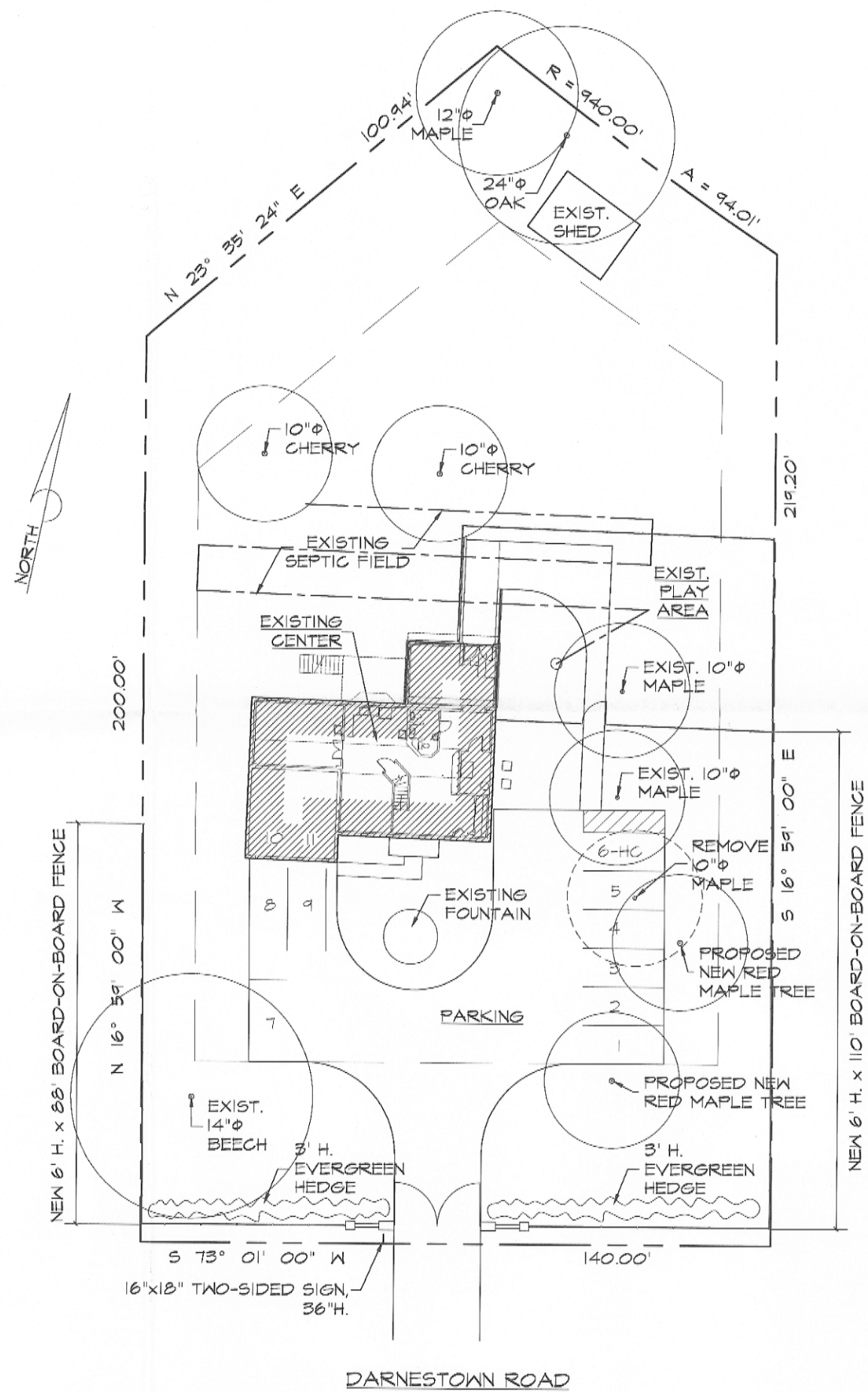


EXHIBIT NO. 18(a)  
 REFERRAL NO. S.E. 11/04

**SP1**  
 SHEET 1 OF 6



1 SITE PLAN - EXISTING LANDSCAPING  
 SCALE: 1" = 20'-0"

LANDSCAPING

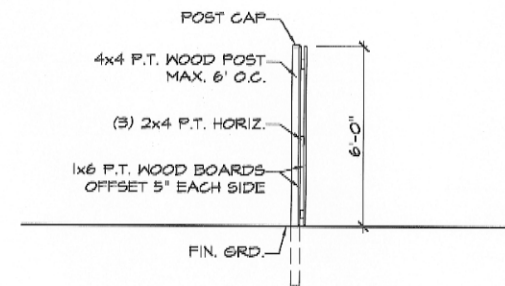
ADDITIONAL TREE PLANTING WILL BE UNDERTAKEN AS RECOMMENDED BY THE FORESTER. THE SUBJECT PROPERTY IS SURROUNDED BY CONIFEROUS TREES. THE EASTERN PROPERTY LINE IS DENSELY ENCLOSED WITH 40+ H. PINE TREES. THE NORTHERN LOT LINE IS ENCLOSED WITH 75+ CONIFEROUS TREES. THE WESTERN PROPERTY LINE IS DENSELY ENCLOSED WITH 40+ LEYLAND CYPRESS TREES. A PORTION OF THE SOUTHERN LOT LINE IS COVERED WITH 40+ PINE TREES. NONE OF THE SUBJECT TREES ARE ON THE CHILD CARE CENTER PROPERTY.

ONE 10"φ MAPLE TREE IS PROPOSED TO BE REMOVED TO PROVIDE FOR PARKING. TWO NEW RED MAPLE TREES ARE PROPOSED TO BE PLANTED ADJACENT TO THE PARKING AREA TO PROVIDE SHADE TO THE PARKING AREA. THE BALANCE OF THE EXISTING LANDSCAPING AND TREES ARE TO REMAIN. THE LANDSCAPING IS NEATLY MAINTAINED.

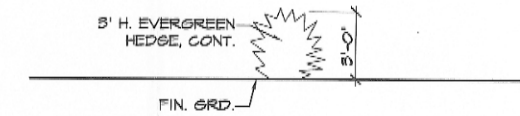
NEW 3' H. EVERGREEN HEDGE IS PROPOSED ALONG THE STREET RIGHT-OF-WAY AS NOTED ON THE PLAN.

A 6' H. BOARD-ON-BOARD TYPE WOOD FENCE IS PROPOSED ALONG BOTH SIDE LOT LINES SCREENING THE PROPOSED PARKING AREA.

THE PROPOSED PAVED PARKING AREA AND DRIVE IS 3671 S.F. THE EXISTING AND PROPOSED LANDSCAPING WILL SHADE MINIMUM 30% (1103 S.F.) OF PARKING AREA AND DRIVE.



2 PROPOSED SCREENING FENCE DETAIL  
 SCALE: 1/4" = 1'-0"



3 PROPOSED SCREENING HEDGE DETAIL  
 SCALE: 1/4" = 1'-0"

Montgomery County  
 NOV 28 2011  
 Planning Department

Issue Date			
10/4/11			
Revisions			
Rev.	Date	Description	By
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Sheet Title  
 SITE PLAN  
 LANDSCAPING

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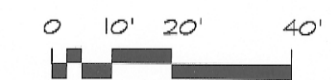
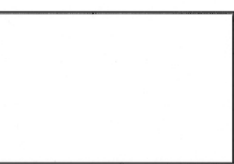


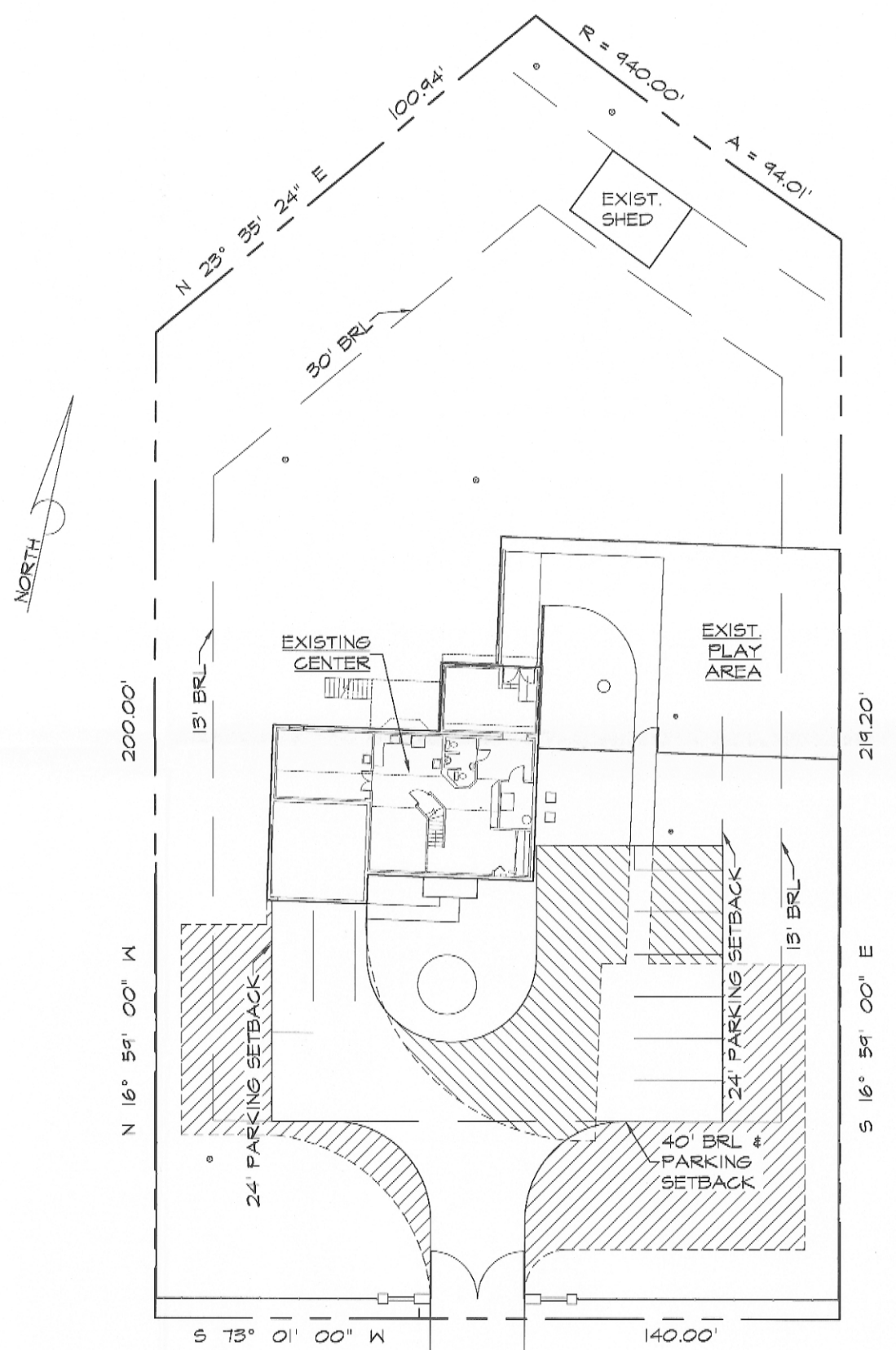
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 REFERRAL NO. J.E. 1/04

SP2  
 SHEET 2 OF 6

Little Footprints  
 Early Care and Initial Education Center  
 13905 Darnestown Road, Darnestown, MD 20878



**Little Footprints**  
 Early Care and Initial Education Center  
 13905 Darnestown Road, Darnestown, MD 20878



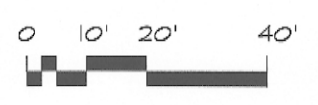
**PAVING PLAN LEGEND**  
 - EXISTING ASPHALT TO BE REMOVED (3019.5 S.F.)  
 - NEW ASPHALT PAVING (1659.5 S.F.)

**1 SITE PLAN - PAVING**  
 SCALE: 1" = 20'-0"

Montgomery County  
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 Planning Department

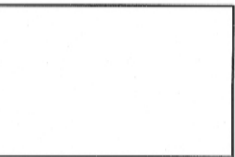
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SITE PLAN PAVING			

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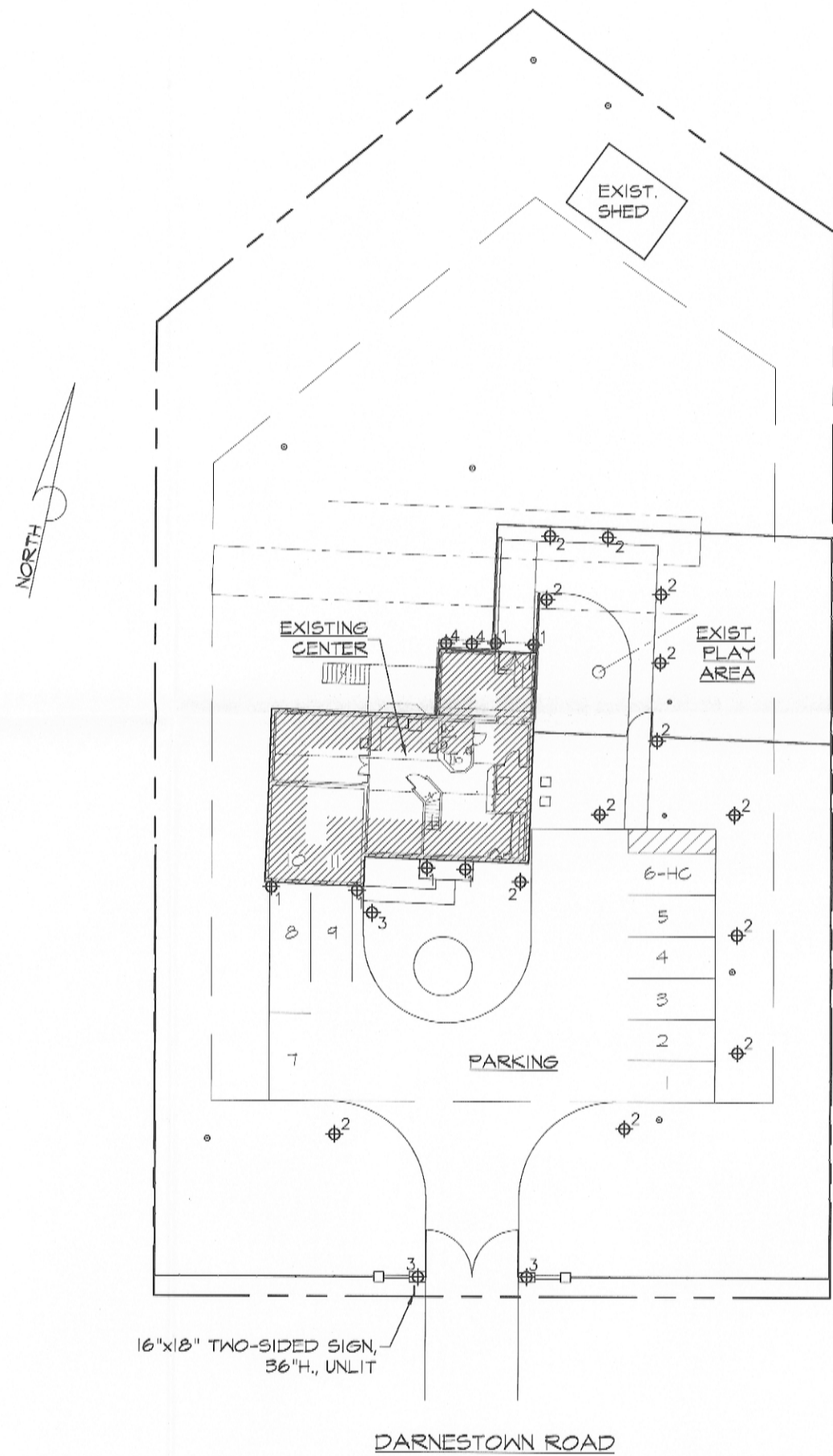


**SP3**  
 SHEET 3 OF 6

EXHIBIT NO. 18(c)  
 REFERRAL NO. S.E. B. 2014



**Little Footprints**  
 Early Care and Initial Education Center  
 13905 Darnestown Road, Darnestown, MD 20878



**ELECTRICAL FIXTURE LEGEND**

- ⊕<sub>1</sub> - BUILDING MOUNTED SCORGE LIGHT - TSW
- ⊕<sub>2</sub> - LANDSCAPE LIGHT - 18" H., TSW
- ⊕<sub>3</sub> - PIER/POST MOUNTED COACH LIGHT - TSW
- ⊕<sub>4</sub> - RECESSED LIGHT - TSW

**SITE ILLUMINATION**

THE EXISTING EXTERIOR ILLUMINATION CONSISTS OF RESIDENTIAL STYLE LIGHT FIXTURES MOUNTED ON THE BRICK PEDIMENTS AT THE DRIVEWAY ENTRANCE, FRONT AND REAR ENTRANCE DOORWAYS, GARAGE ENTRANCE, AND REAR DECK.

ONE POLE MOUNTED LIGHT, APPROXIMATELY 6' TALL, IS LOCATED IN THE FRONT YARD ADJACENT TO THE FRONT WALK.

THERE ARE APPROXIMATELY SIXTEEN (16) LANDSCAPE LIGHTS AROUND THE PARKING LOT, ALONG THE CHILD CENTER ENTRANCE WALKWAY, AND IN THE CHILD CENTER PLAY AREA. THESE LANDSCAPE LIGHTS ARE APPROXIMATELY 18" H. TSW INCANDESCENT FIXTURES. EXISTING LANDSCAPE LIGHTS WILL BE RELOCATED AS SHOWN ON THE SITE LIGHTING PLAN.

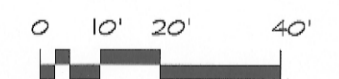
SITE ILLUMINATION IS DESIGNED SUCH THAT NO LIGHT WILL BLEED ONTO ADJACENT HOMEOWNER'S PROPERTY.

1 **SITE PLAN - LIGHTING**  
 SCALE: 1" = 20'-0"

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SITE PLAN LIGHTING			



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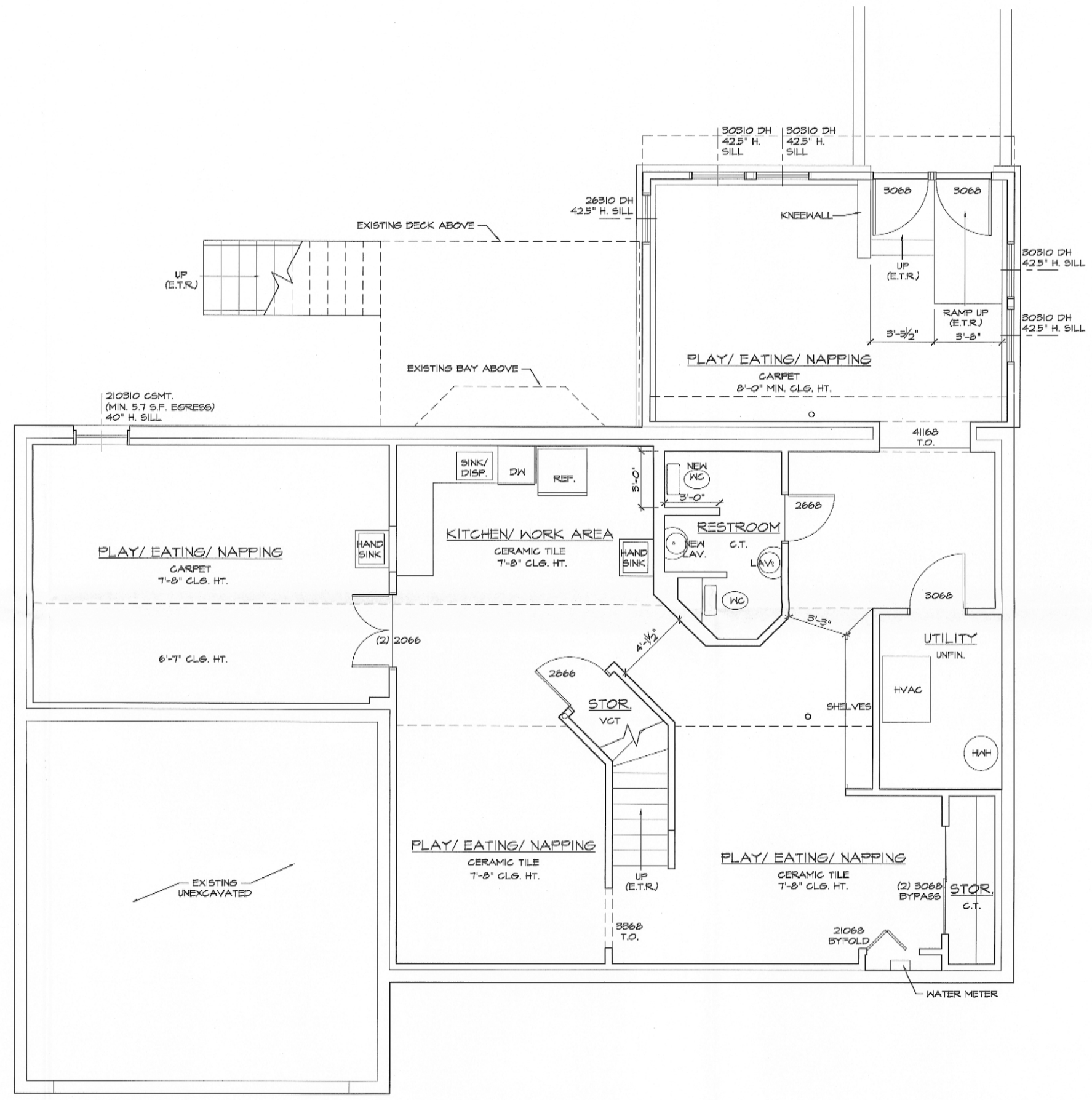
**SP4**  
 SHEET 4 OF 6

EXHIBIT NO. 18(a)  
 REFERRAL NO. S.E. Roy



PROFESSIONAL CERTIFICATION:  
 I HEREBY CERTIFY THAT THESE  
 DOCUMENTS WERE PREPARED OR  
 APPROVED BY ME, AND THAT I  
 AM A DULY LICENSED ARCHITECT  
 UNDER THE LAWS OF THE STATE  
 OF MARYLAND, LICENSE NO. 2557,  
 EXPIRATION DATE 6/30/12.

**Little Footprints**  
 Early Care and Initial Education Center  
 13905 Darnestown Road, Darnestown, MD 20878



**1 FLOOR PLAN - EXISTING**  
 SCALE: 1/4" = 1'-0"



EXHIBIT NO. 18(2)  
 REFERRAL NO. S.C. 11-04

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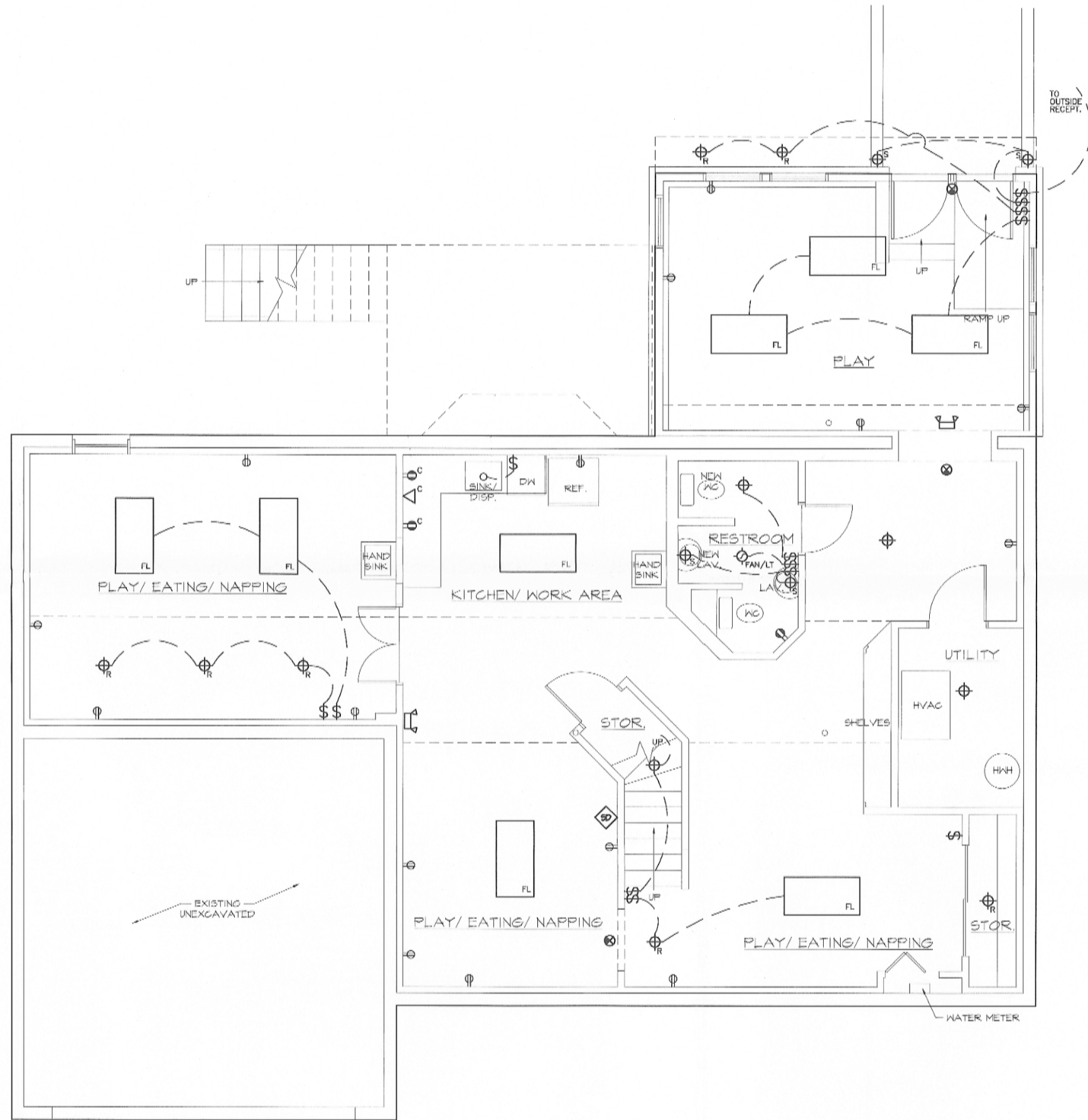
Sheet Title  
**EXISTING FLOOR PLAN**

**A1**  
 SHEET 5 OF 6



PROFESSIONAL CERTIFICATION:  
 I HEREBY CERTIFY THAT THESE  
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 APPROVED BY ME, AND THAT I  
 AM A DULY LICENSED ARCHITECT  
 UNDER THE LAWS OF THE STATE  
 OF MARYLAND, LICENSE NO. 10001  
 EXPIRATION DATE: 6/30/12.

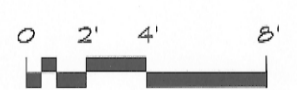
**Little Footprints**  
 Early Care and Initial Education Center  
 13905 Darnestown Road, Darnestown, MD 20878



- ELECTRICAL FIXTURE LEGEND**
- ⊕<sub>R</sub> - RECESSED LIGHT - 60W
  - ⊕<sub>S</sub> - SURFACE MOUNTED LIGHT - 75W
  - ⊕<sub>LED</sub> - SURFACE MOUNTED LED EXIT LIGHT, BATTERY BACKUP
  - ⊕<sub>SC</sub> - WALL SCONCE - 75W
  - ⊕<sub>FL</sub> - 2x4 RECESSED FLUORESCENT - (3) 32W
  - ⊕<sub>EM</sub> - EMERGENCY LIGHT, BATTERY BACKUP
  - ⊕<sub>FAN/LT</sub> - COMB. EXH. FAN AND LIGHT
  - ⊕<sub>2</sub> - DUPLEX RECEPTACLE
  - ⊕<sub>C</sub> - DUPLEX RECEPTACLE, COUNTER HT.
  - ⊕<sub>GF</sub> - GROUND FAULT RECEPTACLE
  - ⊕<sub>SW</sub> - WALL SWITCH
  - ⊕<sub>PH</sub> - PHONE
  - ⊕<sub>ISD</sub> - INTERCONNECTED SMOKE DETECTOR, BATTERY BACKUP
  - ⊕<sub>TV</sub> - TELEVISION

1 LIGHTING/ELECTRICAL PLAN - EXISTING  
 SCALE: 1/4" = 1'-0"

Issue Date			
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EXISTING LIGHTING/ELECTRICAL PLAN			

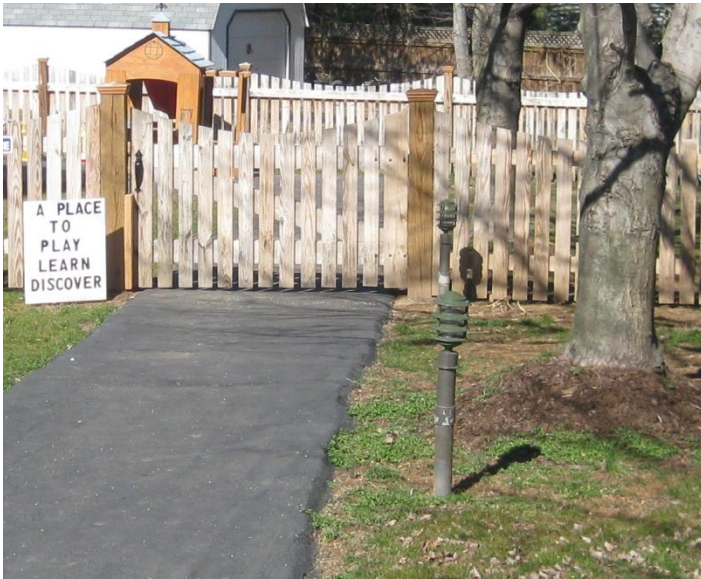


**E1**  
 SHEET 6 OF 6

EXHIBIT NO. 18(A)  
 REFERRAL NO. S.E. 11-04



## ATTACHMENT C

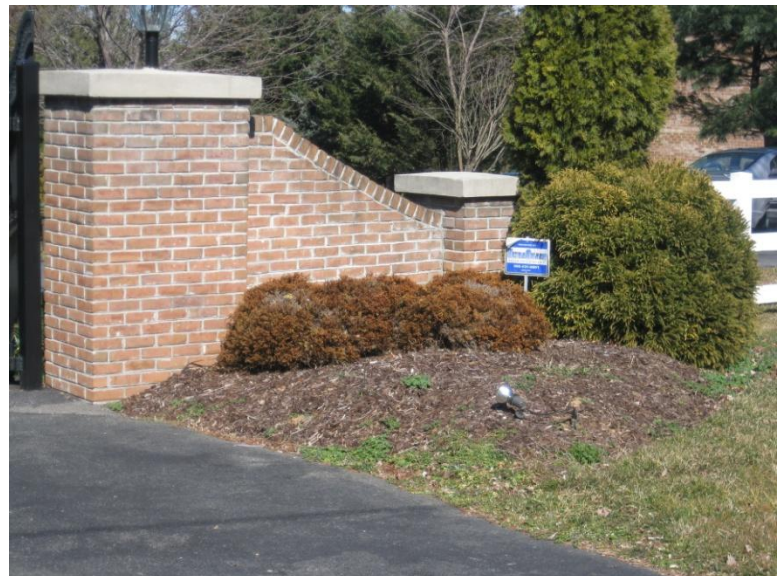


These photos show a sampling of the existing lights on the property.

Top left: 16 landscape lights

Top right: 3 pier/post mounted coach light

Bottom right: 2 spot lights





Photos of the residence from Darnestown Road (MD 28).





Photos of the children's play area with existing paths to the fenced area.



**Environmental Planning Division**

Effective 1/08

Montgomery County Park & Planning Dept. • 8787 Georgia Ave., Silver Spring, MD 20910 • 301-495-4540, fax: 301-495-1303

**APPLICATION**

**Forest Conservation Applicability\* for Special Exceptions**

**PROPERTY LOCATION**

Street Address: 13905 Darnestown Rd. Darnestown, Md 20878

Subdivision: 70 Parcel(s) # \_\_\_\_\_ Lot #(s): 17 Block(s): A

Property Tax Identification Number: 16 06 01991113

**Applicant (Owner or Contract Purchaser):**

Moses + Nelly Solano  
Name  
13905 Darnestown Rd.  
Street Address  
Darnestown MD 20878  
City State Zip Code  
(301) 963-1442 ( )  
Phone No. Fax No.

TOTAL AREA OF PROPERTY: \_\_\_\_\_ acres 34,007 square feet

**APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION:**

- The application applies to a special exception on a property of less than 40,000 square feet.
- No forest or individual trees will be disturbed.
- The property is not subject to a previously approved Forest Conservation Plan.
- The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Advisory Board.

Signature of applicant (Owner or Contract Purchaser)

Nelly Solano 

1-24-08  
Date

M-NCPPC acknowledges that the special exception for the above property is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.

Signature of M-NCPPC Environmental Planning staff reviewer:

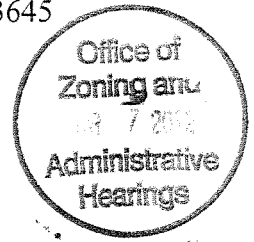
  
Signature

1-31-08  
Date

\*This form may be used only if the property is less than 40,000 square feet in total area.

EXHIBIT NO. 5  
REFERRAL NO. S.E. 11-04

19 Turkey Foot Court  
Darnestown, MD 20878-3645



March 2, 2012

Office of Zoning and Administrative Hearings  
100 Maryland Avenue, Room 200  
Rockville, MD 20850

Dear Examiner,

I am writing in regards to a notification sign appearing at the property located at 13905 Darnestown Road, Darnestown, MD. The sign identifies the case number as S. E. 12-1. My understanding the special exception is to expand the enrollment for child care services to 30 children. I would like to request that the evaluation of the application and the decision to approve or disapprove consider the following issues:

1. Increased traffic crossing Darnestown Road and the increased risk of accidents. At the S.E. location Darnestown Road is a single lane with a smooth shoulder in each direction. It should be expected that the majority of traffic entering and exiting the child care center will be during rush hour. No doubt the substantial increase in enrollment will increase the passing on the right while crossing the solid white line on the right and driving on the shoulder. This is a discouraged driving practice and substantially increases the dangers to pedestrians and bicyclist using the shoulder.
2. The property is (or was originally constructed as) a single-family home. The application's evaluation should fully consider the impacts the increased house/child care center occupancy and utilization will have on the septic system servicing the property. To assist in this assessment, consideration should be given to the design capacity of the septic system compared with the existing water use records for the property, and then compare with the projected additional load to be placed on the septic system with the proposed enrollment increase. Failure of the septic system will not only affect the serviced property by also that of its neighbors and downstream community, in which I reside. The Health Department should be consulted in this matter to determine the system has sufficient capacity to continue to service the property and protect the environment.

I would appreciate if I can be kept apprised of the anticipated hearing date and receive any available materials associated with this special exception request.

Sincerely,

A handwritten signature in black ink that reads "David G. Bivans".

David G. Bivans

EXHIBIT NO. 28  
REFERRAL NO. S. E. 12-01

ATTACHMENT F

257679

MARYLAND STATE DEPARTMENT OF EDUCATION  
Office of Child Care  
ENVIRONMENTAL HEALTH SURVEY

THIS SECTION TO BE COMPLETED BY THE APPLICANT							
Name of Provider Facility:	Nelly G. Solano						
Address of Provider Facility:	13905 Darnestown Rd. Darnestown, MD 20878						
Phone Number:	301-963-1442						
County:	Montgomery						
Number living in Family Child Care Home: (do not include provider's own children under 6 years of age)	Day Care Center 2						
Requested Capacity: (maximum number of children at any time including provider's own children under 6 years of age)	30						
Water Supply:	PUBLIC	PRIVATE		Sewage Disposal:	PUBLIC	PRIVATE	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THIS SECTION TO BE COMPLETED BY LOCAL HEALTH DEPARTMENT

Findings:

Water Supply:

Sewage Disposal:

In Compliance	Not in Compliance
N/A	
<input checked="" type="checkbox"/>	

Recommendation:

- License/Register
- License/Register with plan to correct
- Do not License/Register
- Emergency Suspension because of imminent risk to children

Comments:

4/18/08 No OFSS ABC  
5/2/08 Center Houkale opened + pump on site. Need to pump now + open in two years to ascertain needed frequency ABC

*P. B. Cramer*  
Health Department Inspector Signature

5/2/08  
Date

*P. B. Cramer*  
Health Officer Representative Signature

5/2/08  
Date

Return completed form to:



DIVISION OF EARLY CHILDHOOD DEVELOPMENT  
Office of Child Care

by:

**H&R Environmental L.L.C.**  
 900 Cooks Bay Ct.  
 Gambrills, MD 21054  
 Tel: 443-570-1982 Fax: 410-774-0732  
 HREnviron@yahoo.com

Customer's Order No. Solano Date 10 22 11

M \_\_\_\_\_  
 Address 13905 Darnestown Rd  
Gaithersburg md

SOLD BY		CASH	C.O.D.	CHARGE	ON ACCT.
QTY	DESCRIPTION	PRICE	AMOUNT		
	pumped Cleaned Septic Tank	\$ 225 <sup>00</sup>			

ALL claims and returned goods MUST be accompanied by this bill.

Received by \_\_\_\_\_

*Thank You!*

EXHIBIT NO. 16  
 REFERRAL NO. S.E. 11/04

March 20, 2012

**Memorandum**

To: Mr. and Mrs. Moses Solano  
Little Footprints Early Care and Initial Education Center  
13905 Darnestown Road

From: Kim Beall, R.S.  
Well and Septic Section

Re: Septic system capacity  
13905 Darnestown Road

This shall provide confirmation of the total septic system capacity for the septic system and septic reserve area currently serving the above referenced property. The approved septic system and septic reserve area are approved for a house with a maximum of six (6) bedrooms which translate to a maximum wastewater flow of 900 gallons per day (150 gallons per day per bedroom).

Based on current regulations regarding wastewater flow figures, the following flow figures are applied to the septic review of the proposed child care/education center:

- 75 gallons per day per resident/residential staff member
- 15 gallons per day per non-residential staff member
- 15 gallons per day per child/student

The current request for child care license as submitted translates to the following wastewater flow figures:

- 225 gallons per day - 3 residents/residential staff members
- 60 gallons per day – 4 non-residential staff members
- 450 gallons per day – 30 children
- Total – 735 gallons per day

As indicated above, the existing septic system is adequate to accommodate a wastewater flow of 900 gallons per day. Since the current proposal translates to a wastewater flow of 735 gallons per day, the septic system is deemed adequate to accommodate the proposal.

If you need any additional information at this time, please let me know. Thank you.