



Goddard School-Olney (A. Preliminary Plan 120120150) (B. Site Plan ~~820110090~~ 820120110)

- Richard Weaver, Acting Supervisor Area 3, Richard.Weaver@montgomeryplanning.org 301-495-4544
- John Carter, Chief Area 3, John.Carter@montgomeryplanning.org 301-495-4575
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Staff Report Date: 10/29/12

Description

A. Preliminary Plan No. ~~120110440~~ 120120150

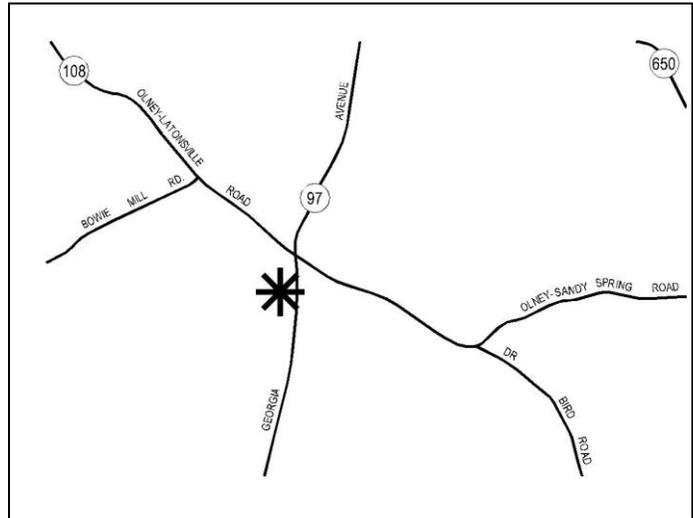
B. Site Plan No. ~~820110090~~ 820120110

A request to create two lots for a 9,000 sq. ft. child daycare facility and associated parking on 1.15 acres property zoned MXTC and located approximately 500 feet west of Georgia Avenue on the north side of Morningwood Drive, in Olney. Olney Master Plan

Submittal Date: March 8, 2012

Applicant: Morningwood Drive, LLC

Review Basis: Chapter 50, Chapter 22A, Chapter 59



Summary

Staff Recommendation:

Preliminary Plan: Approval, with conditions.

Site Plan: Approval, with conditions

- Development of the property is under the standard method of development in the Mixed Use Town Center zone (MXTC) in the Olney Village Center.
- A Daycare Facility is a permitted use in the MXTC zone.
- The building footprint has been revised to address the street façade goals recommended in the Olney Master Plan and required in MXTC zone.
- The Applicant has had at least two meetings with GOCA; no opposition to this plan has been received by staff.

TABLE OF CONTENTS

SECTION 1: CONTEXT & PROPOSAL	3
Site Description	3
Vicinity	3
Site Analysis	4
Project Description	4
Current proposal	5
Community Outreach	6
SECTION 2: PRELIMINARY PLAN REVIEW	7
Analysis and Findings	7
Recommendation and Conditions	18
SECTION 3: SITE PLAN REVIEW	20
Findings	20
Recommendation and Conditions	28
APPENDICES	31

ILLUSTRATIONS & TABLES

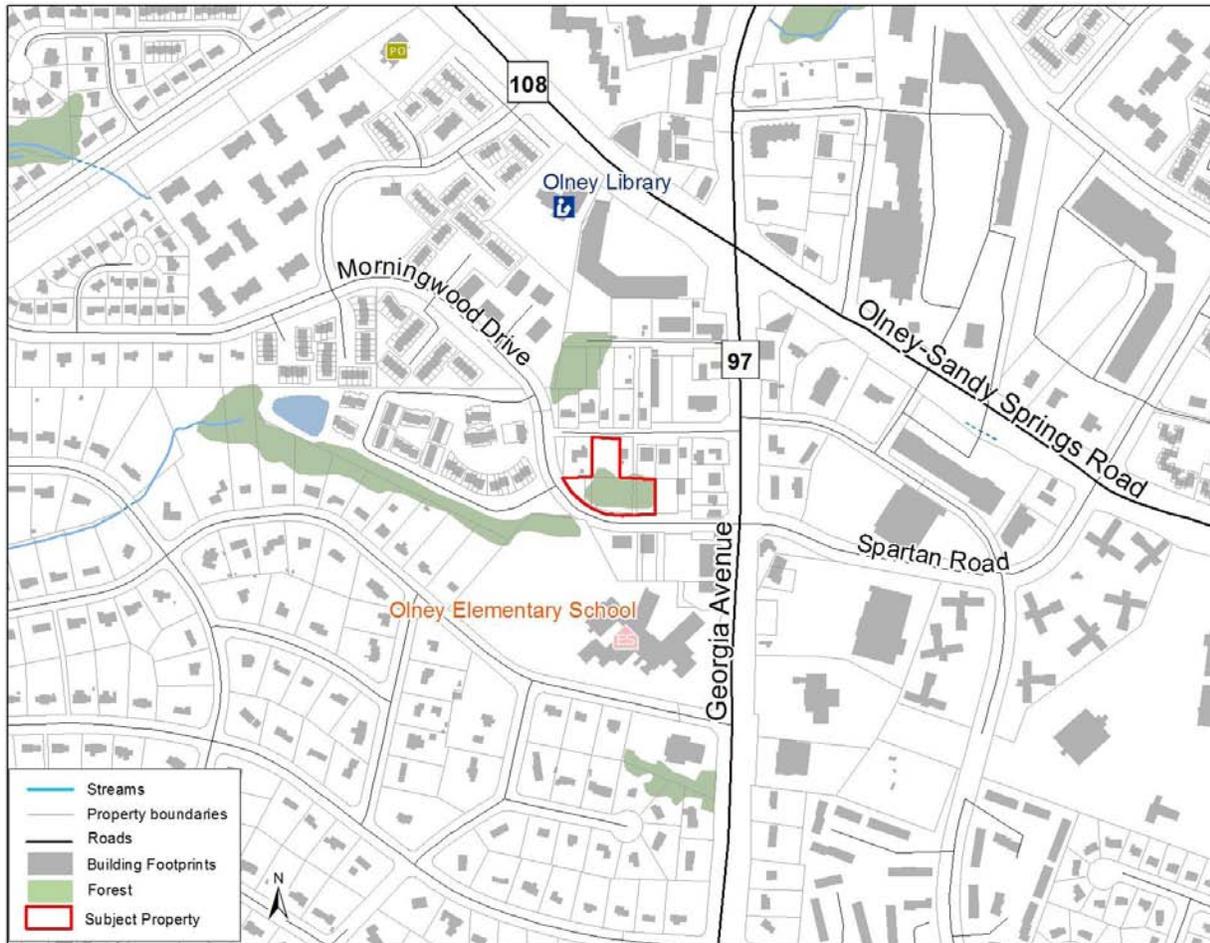
<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Preliminary Plan</i>	5
<i>Rendered Preliminary Plan</i>	6
<i>Pedestrian Circulation from Master Plan</i>	9
<i>Critical Lane Volumes Table</i>	12
<i>Final forest conservation plan</i>	13
<i>Tree Mitigation Exhibit</i>	17
<i>Zoning Table</i>	18
<i>Composite Site Plan</i>	20
<i>Street Elevations</i>	23-24
<i>Site Plan Data Table</i>	25

Section 1: Context and Proposal

SITE DESCRIPTION

Vicinity

The subject property is comprised of sixteen lots recorded by a plat in 1925. The property is located on the north side of Morningwood Drive and south of North High Street, approximately 500 feet west of Georgia Avenue (“Property” or “Subject Property”). The Property is zoned MXTC and is located in the Olney Master Plan Area, Town Center. The Property is bounded to the south by two office buildings with access to Morningwood Drive with the Olney Elementary School located further to the south with no access to Morningwood Drive. To the immediate west is a one-family residence at the western terminus of North High Street. Further to the west, confronting on Morningwood Drive is a residential community of townhomes and to the east as one approaches Georgia Avenue; commercial uses in large buildings and one-family residential structures predominate. To the north, along North High Street is a collection of one-family detached home, some of which accommodate special exception and commercial uses. However, some of the one-family structures continue to be used for residential purposes and appear to be built soon after these lots were originally recorded.



Vicinity Map

Site Analysis

The Property is currently unimproved with some forest; topography is fairly gentle although Property drops in elevation as you travel from east to west along Morningwood Drive. There are no sensitive environmental features on the Property but there are some trees that have a 30 inch or greater, diameter at breast height (DBH). Morningwood Drive is a primary residential street with a 70 foot wide right-of-way and North High Street is a business district street with a 70 foot wide recommended right-of-way. North High Street is not built to County standards.



Aerial Photo

PROJECT DESCRIPTION

The applications for preliminary plan No. 120120150 – Goddard School, Olney (“Preliminary Plan”) and site plan no. 820120110 (“Site Plan”) were submitted concurrently on March 8, 2012. The applications are a request for two lots in order to construct a 9,000 square foot child day care facility on one lot and the other lot will accommodate the necessary parking. The facility will have a maximum enrollment of



Rendered Plan Drawing

COMMUNITY OUTREACH

The Applications were submitted and noticed in accordance with all Planning Board adopted procedures. Signs referencing both applications were posted along the Property frontages Morningwood Drive and North High Street. A presubmission meeting was held for the Preliminary Plan and Site Plan at the Inn at Brookeville Farms on December 15, 2011. Five people were in attendance at the meeting. According to the minutes of that meeting, questions were asked and addressed by the Applicant. The questions that were raised concerned the appropriateness of the site for the proposed use, ownership of the facility, enrollment fees, fencing, lighting, sidewalks, opening of the public alley, public use space, traffic and dedication of streets. According to the minutes, the Applicant answered the questions appropriately. Staff has been in contact with the Olney Town Center Advisory Committee (OTCAC) President to discuss the latest plans. At this time, Staff believes that they are in support of the plan but will be present at the public hearing to discuss some remaining concerns.

Staff understands that the OTCAC has concerns about the operation of the Morningwood Drive/Georgia Avenue intersection and how the traffic from the new Safeway affects that intersection. Staff has explained that the background traffic for the Safeway store was included in the Applicant's traffic study; the intersection will operate at acceptable volumes with the addition of the Safeway traffic and that of the new day care facility. The OTAC has also expressed interest in having the existing alley that runs north/south through the Property completed and asks if this Applicant will be required to complete the alley from Morningwood Drive to North High Street. Staff explained that the Applicant cannot make the

necessary off-site improvements to complete this connection because it would require additional street dedication from the adjacent property owners and would also require grading easements to perform grading outside of the dedicated right-of-way. The completion of the alley to North High Street would entail significant re-grading and re-paving of existing parking lots and driveways of adjacent businesses and residences. Staff explained that the completion of the alley will occur when those properties redevelop.

The OTCAC also shared concerns about the proposed public use space that is shown on the plans as a 4,000 square foot space to the west of the proposed building. The OTCAC has expressed opposition to this space as a potential place for perhaps young people to congregate, and with that concern, staff has attempted to assure that there will be good visibility into this public space area from streets and sidewalks.

Section 2: Preliminary Plan Review

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

The Preliminary Plan is in substantial conformance with the 2005 Olney Master Plan. The Property is within the Town Center as identified by the Master Plan and more specifically in the Southwest Quadrant of the Town Center. The established goal of the Town Center is as follows:

“Create an economically healthy, attractive, pedestrian-oriented, and well-connected Town Center to be the commercial and civic heart of the community. Create a civic center in the Town Center through redevelopment of a major shopping center or a public-private partnership.”

The Master Plan notes that the current Town Center, in general, is not pedestrian oriented, lacks safe and pleasant pedestrian circulation, lacks an identifiable outdoor public space for civic functions and lacks a strong visual identity. The Plan states that the main views along the two state highways are dominated by scattered, strip shopping centers, commercial establishments and parking lots with no uniform building pattern, quality landscaping or pedestrian friendliness.

The Master Plan envisions compact low scale retail for the Town Center in a variety of building types and sizes, with safe pedestrian connections, public spaces, and landscaping and that is less dependent on vehicles for movement within and around the retail core. Buildings are encouraged to be at the street or close to sidewalks; parking should be to the rear or off to the side of new development. Easy and convenient multiple pedestrian connections between shopping and adjoining residential areas are also part of the Town Center concept.

The Master Plan recognizes that the assemblage of properties in the vicinity of North High Street will likely result in additional residential or mixed use development. The Master Plan envisions that developments at the edges of the Town Center should have residential buildings or uses compatible with the adjoining residential development and recommends up to a 0.35 floor area ratio (far) using a

standard method of development and 1.0 far using an optional method of development. The Master Plan also recommends lower building heights at the edges of the Town Center.

Following are the recommendations within the Olney Master Plan that are specific to the Subject Property:

Page 53, Pedestrian Circulation

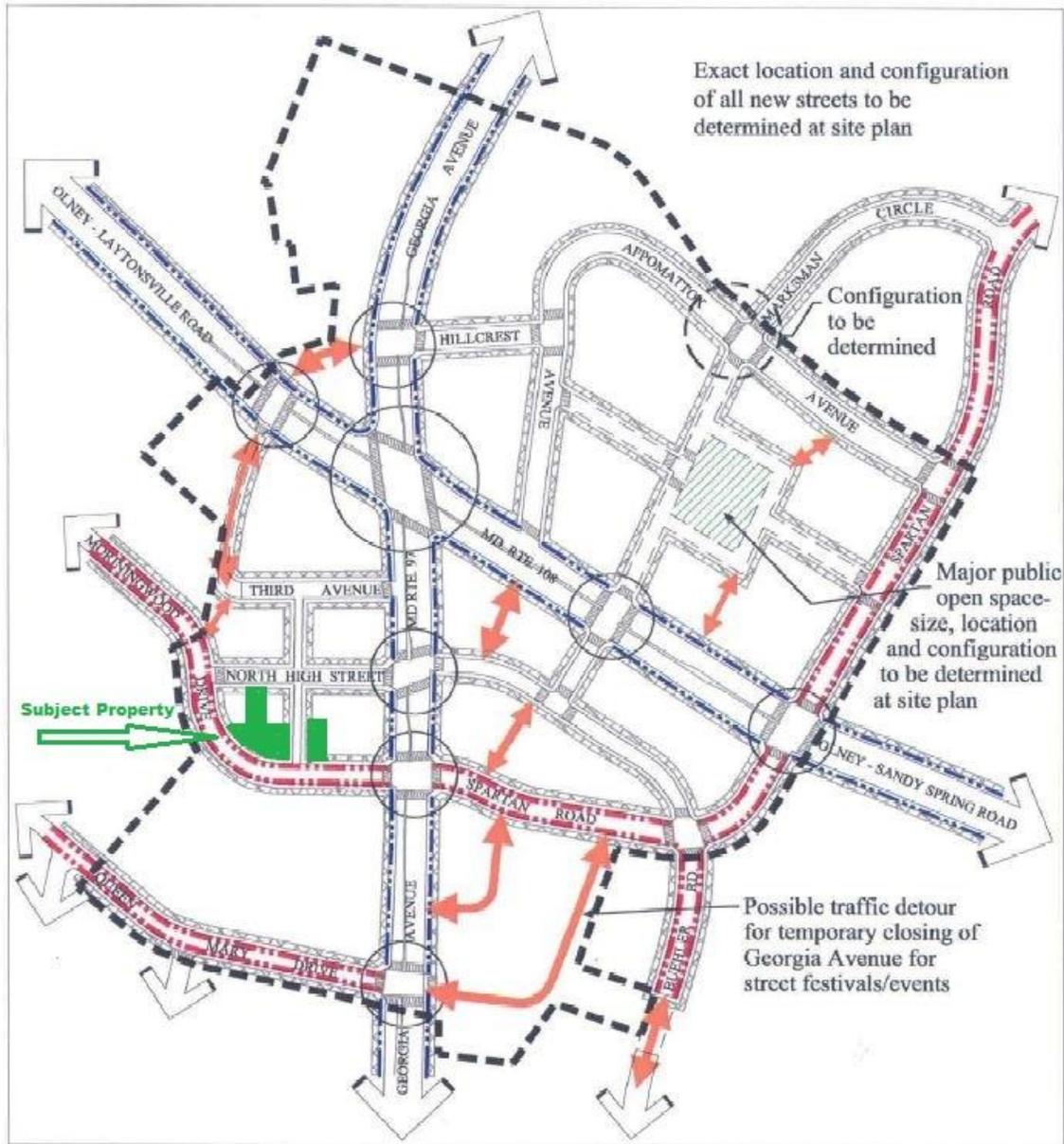
- Provide ease and convenient multiple pedestrian connection between shopping centers and adjoining residential areas.
- Connect North High Street to Morningwood Drive.
- Allow on-street parking on all streets except Georgian Avenue and MD 108.
- Create pedestrian-oriented streetscape through landscaping, traffic calming measures and other design features.

Page 55-57, Urban Design

- Limit the height of any building within the core area of the Town Center to 70 feet. Buildings along the edges of the Town Center should be 42 to 56 feet high to be compatible with the adjoining residential development. In no event should the height of buildings adjacent to existing residentially zoned land exceed 56 feet. Unoccupied features such as clock towers and spires may be higher than the maximum permitted building heights.
- Front building facades should be located along sidewalks and public open spaces. Ground floor of all buildings along major streets, and specifically along streets with recommended street facades, should have uses that generate pedestrian traffic, such as retail, restaurants, professional offices and services.
- Public open spaces on adjoining lots should be located and designed to function as one space to avoid fragmentation of these amenities.
- Pedestrian ingress, egress and interior walkways should be raised or separated from parking areas through change of materials, curbs, railings, grass panels or other design features.
- Provide benches, landscaping, light fixtures, trash receptacles, and other amenities in public spaces.
- Create visual breaks in larger parking lots through plantings and walkways.
- Stormwater management techniques should include measures to improve the efficiency of existing down stream facilities and protect remaining streams in the Town Center.
- Accommodate forest conservation requirement on-site, where possible, to assist in greening Town Center.

Page 54 of the Master Plan provides an illustration showing the Town Center Pedestrian and Bicycle Circulation Concept (Figure 1). This illustration identifies a specific use of the existing 20 foot wide public right-of-way that bisects the Property to provide for the pedestrian connections to the Town Center, as well as bicyclists and vehicles.

Town Center Pedestrian and Bicycle Circulation Concept



- Town Center Boundary
- ↔ Pedestrian/ Vehicular Connection
- ⊕ Crosswalk
- High Priority Pedestrian Crossings
- Sidewalk/ Bike Path/ Vehicular
- Shared Use Bike Path (off-road)
- Shared Roadway Bike Path



The MXTC zone was applied to the entire Town Center area of Olney and includes the Subject Property which is located on the edge of the Town Center boundary and adjacent to office, residential and public school uses. The use of this Property for something other than a store or retail establishment has presented certain challenges in meeting the vision of the Master Plan which relies on the MXTC zone to establish this vision. A discussion of the Town Center vision must include a discussion of the MXTC zone.

The MXTC zone requires all development (buildings), to have at least one of its street façades extend along 75% of that street frontage or along a public use space, sidewalk or way, and that the building may be no more than 10 feet from the property line or public amenity. The standards of the MXTC zone works with the Town Center vision to activate the streets and promote pedestrian usage of the buildings, presumably for uses that are commercial in nature. The curvature and elevation drop along Morningwood Drive presented other challenges for this site that would exist for any type of building located here but this was even more challenging for the proposed use which will sit upon slab construction at a single level with rectangular shaped classrooms and offices. Activation of the street frontage and encouraging pedestrian-generating uses was difficult since the safety of the children and the need to control points of public access are priorities for a child day care use. The Applicant has worked with staff to resolve this in a satisfactory manner and this is discussed in more detail in the Site Plan section of this report.

The building footprint has been revised since the initial submission of the Plan to address the façade requirements. The staggered edge of the southern building face along Morningwood Drive was always envisioned because it allowed the building to follow the road curvature. However, the chamfering of the edges to create the 45 degree angles was the final solution that allowed the building to be brought even closer to the property line and to allow the building's retaining wall facade be lowered, but still take up the grade along Morningwood Drive. The front façade of the building which includes the wall that runs along the Morningwood Drive frontage ends in a public use space to the west of the building. The linear measurement of the facade meets the 75% linear requirement of the MXTC zone as discussed in the Site Plan section. The retaining wall has been lowered to the maximum extent practical and will average 3.5 feet in height along its run but will be no higher than 6 feet at its western end on Morningwood Drive. Lowering the wall to this level will significantly reduce the sensation of the building being walled off from the sidewalk. Steps from the building down to the Morningwood Drive sidewalk, at two locations, help activate the street. One of the stairways will remain gated since it provides access to a secure outdoor area of the facility; the second set of stairs provides access to the lead-in walk to the facility's front door. The height of the building is 37 feet and well below the Master Plan recommended range of 42 to 56 feet for properties at the edge of the Town Center. The two parking lots to the side of the building and along Morningwood Drive are separated by the alley which will contain a sidewalk and street trees with lighting for safety. The effect of the alley is to provide the visual separation of the parking lots into two and provide a green pathway for public access. The Preliminary Plan substantially conforms to the Master Plan recommendations for building orientation to the streets, building heights, creating visual breaks in parking area and providing improved pedestrian access and safety.

The Plan shows a 4,000 square foot public use space area to the west of the building in which the Applicant will build a lead-in sidewalk and a seating area to meet a portion of the required 10% public use space requirement of the MXTC zone and to meet a Master Plan goal for public open space. This space will be open to the public and conveniently located along the sidewalk on Morningwood Drive. Other green area along the sidewalk in front of the building adjacent to the sidewalk and the new

sidewalk that will be constructed along the 22 foot wide north/south alley provide the remainder of the public use space requirements.

The 4,000 square foot public use space, in combination with the construction of the alley and associated sidewalk provides for a “pleasant” pedestrian experience which was noted as lacking in the current Town Center. The public use space will be maintained by the operator of the Goddard School. The Morningwood Drive right-of-way is currently lined with maturing London Plane Trees. The Applicant has worked with MCDOT on a design exception that will minimize grading adjacent to the curb so that these trees can be protected, rather than replanting new street trees.

This development is the first to be required to construct a portion of the north/south alley within the platted 20 foot wide right-of-way, which is to eventually serve as a pedestrian-bikeway-vehicular connection of Morningwood Drive, North High Street, and Third Avenue to the future development of a true Town Center. The alley will provide better movement for non-vehicular traffic so that the use of vehicles and the need for additional parking lots is eventually reduced. The ultimate completion of the alley to provide this connection will have to await development of intervening properties. The Applicant cannot be required to acquire land from adjacent property owners to complete the alley through to North High Street. The Preliminary Plan complies with the Master Plan requirements for improved pedestrian circulation and access.

The Master Plan also calls for the eventual connection of North High Street to Morningwood Drive. This development does not have sufficient frontage to provide this connection, nor is the connection needed to serve the development’s transportation needs. The grade differentials between the end of North High Street and Morningwood Drive are rather significant. The design of the intersection of these two roads may require significant redesign of North High Street so that it can be lowered to meet the current elevation of Morningwood Drive. The Applicant is required to dedicate their portion of the necessary North High Street right-of-way and this dedicated area will eventually be used to help make this connection.

The Property is located at the edge of the Town Center identified in the Master Plan where building heights are recommended to be between 42 feet and 56 feet high. The proposed building height is 37 feet. The Plan meets the 0.35 far recommended in the Master Plan and required by the MXTC zone. Forest conservation will be met off-site since there is no opportunity to create forest on this small site. The Applicant has submitted a landscape and lighting plan with the Site Plan for review and approval. Any landscaping will be in addition to the Tree Mitigation Plan that has been submitted for loss of certain variance trees.

Adequate Public Facilities (APF)

Local Area Transportation Review (LATR)

The intersection of MD 97 and Morningwood Drive/Spartan Road was identified as a critical intersection affected by the proposed development and was examined in a submitted traffic study to determine if it will meet the applicable congestion standard. The congestion standard for the Olney Policy Area is 1,450 Critical Lane Volumes (CLV). The result of the CLV analysis is summarized in Table 1 below.

Table 1

Intersection Capacity Analysis with CLV During the Peak Hour						
Intersection	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 97/ Morningwood Drive/Spartan Road	1099	1361	1105	1408	1130	1419

As shown in the table, the Morningwood Drive/Georgia Avenue intersection is currently operating within an acceptable congestion standard and is expected to continue to operate at an acceptable level with the addition of background traffic (Background) and with the addition of traffic generated by the proposed day care facility (Total). In the background development traffic condition, the projected traffic from the expansion of the Safeway store located east of MD 97 on the north side of Spartan Road was included. Thus, the Preliminary Plan application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The Olney Policy Area had a 10% PAMR trip mitigation requirement according to the County's Subdivision Staging Policy at the time of filing the Preliminary Plan. The Applicant elected to make a lump sum payment of \$23,400.00 to the Montgomery County Department of Permitting Services to mitigate 2 peak-hour trips which represent 10% of the new trips generated by the proposed development to meet the PAMR requirements. The Applicant is required to make this payment prior to issuance of any building permits.

Site Access and Vehicular/Pedestrian Circulation

As previously discussed, there are two points of access to the facility; one from North High Street and the other from Morningwood Drive via a new alley. The alley from Morningwood Drive will be constructed within a 22-foot-wide right-of-way with 20 feet of pavement as recommended by the Olney Master Plan. Motorists will have a choice once they turn into the alley as to whether they wish to turn right and park in the larger parking lot and walk to the facility via internal sidewalks and crosswalks or turn left into the smaller parking area immediately in front of the facility to drop off and pick up children. The parking lot on North High Street will likely serve as staff parking.

The Applicant will build a 5 foot wide sidewalk along the Morningwood Drive frontage and 5 foot wide lead-in sidewalk to the facility's main access door with another five foot wide sidewalk to connect the public use area. A five foot wide sidewalk will be built along the property frontage of North High Street within the dedicated public-right-of-way to complete the public sidewalk system. Internally, a five foot wide lead in sidewalk will connect the front door of the facility to the public sidewalk along

Morningwood Drive and a four foot wide sidewalk will run adjacent to the public alley. Internal four and five foot wide sidewalks connect the northern parking lot to the facility and others are designed to allow safe movement of children and faculty to and from play areas and fire access doors. Crosswalks are shown on the Plan to connect internal sidewalks across the alley and smaller parking lot in front of the facility. The proposed access points and the internal traffic and pedestrian circulation system shown on the Preliminary Plan will be adequate.

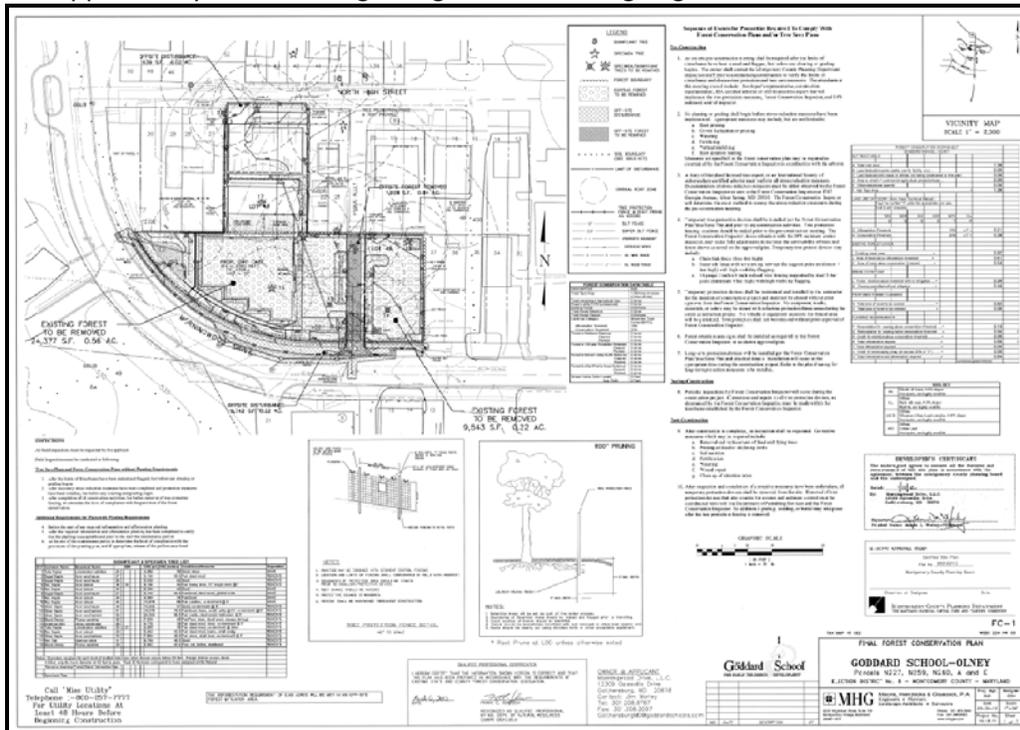
Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the proposed use. Public water and sewer is available to the Property. Other services including natural gas, electric, and telecommunications are available to the Property. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is not subject to a School Facilities Payment.

Environment

Forest Conservation

The site has no environmentally sensitive features such as wetlands floodplains, streams or stream buffers. The 1.38 acre tract for purposes of forest conservation contains 0.82 acres of forest, all of which will be cleared to accommodate the building, parking and other amenities. The removal of this amount of forest generates a 0.69 acre reforestation requirement which the Applicant intends to meet off-site. The conditions of approval recommended in this staff report require that an off-site bank be selected and approved by staff before grading or land clearing begins.



Final FCP

Forest Conservation Variance

Section 22A-12(b)(3) of the County code requires applicants to identify certain trees, shrubs, plants, and specific areas as priority for retention and protection. This section of the code requires those areas to be left in an undisturbed condition unless the applicant obtains a variance in accordance with Chapter 22A-21 of the County code. More specifically, the vegetation to remain undisturbed includes:

- A. *Trees, shrubs, or plants determined to be rare, threatened, or endangered under:*
 - (1) *The federal Endangered Species Act of 1973,*
 - (2) *The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code of Maryland, and*
 - (3) *COMAR 08.03.08;*
- B. *Trees that:*
 - (1) *Are part of an historic site,*
 - (2) *Are associated with an historic structure, or*
 - (3) *Have been designated by the State or the Department as a national, State, or county champion tree; and*
- C. *Any tree having a diameter measured at 4.5 feet above the ground of:*
 - (1) *30 inches or more, or*
 - (2) *75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.*

Under Chapter 22A-21 of the County Code, a person may request in writing a variance from this Chapter if the person demonstrates that enforcement would result in unwarranted hardship to the person. The applicant for a variance must:

Describe the special conditions specific to the property that would cause the unwarranted hardship:

- (1) Describe how enforcement of these rules might deprive the landowner of rights commonly enjoyed by others in similar areas;
- (2) Verify that State water quality standards will not be avoided or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (3) Provide any other information appropriate to support the request.

Since this project will require that eight trees, 30 inches and greater DBH be impacted or removed, a variance is required.

Unwarranted Hardship Basis

There are eight specimen trees on the Property; seven will be removed and one will have impact to its critical root zone (CRZ) due to the development and grading of this site. The eight variance trees are scattered throughout the Property so that the critical root zone areas of these trees, collectively, cover the entire usable area of the Property. Under the MXTC development standards, the intensity of development beyond that of the former R-60 zone was clearly anticipated and supported by the Master Plan to create the compact Town Center concept of low scale retail. For the development of this Property as a child day care center with parking, road improvements, and sidewalks, the required grading of the site cannot avoid impact to the variance trees. Enforcement of the law would create an undue hardship on the Applicant as it would prohibit any reasonable development of the Property.

The following trees as shown on the Natural Resources Inventory and Forest Stand Delineation require a variance:

- Tree #4 Red Maple, 36 inch dbh - within ROW and within parking area (Remove)
- Tree# 8 Red Maple, 44 inch dbh – located well off-site (Tree protection fence, Save)
- Tree# 9 Silver Maple, 38 inch dbh – within parking area (Remove)
- Tree# 10 Silver Maple, 51 inch dbh – within parking grading (Remove)
- Tree# 11 Silver Maple, 59 inch dbh – within parking grading (Remove)
- Tree #12 Black Cherry, 32 inch dbh – within parking/dumpster pad (Remove)
- Tree #16 Silver Maple 33 inch dbh – within building footprint (Remove)
- Tree # 17 Red Oak 31 inch dbh – within playground area (Remove)

In accordance with Section 22A-21(c), the Planning Board referred a copy of the variance request to the County Arborist. In a letter dated May 14, 2012, the Arborist recommended that a variance be granted. Of the seven trees that are shown to be removed, grading will impact between 50% and 100% of their CRZ's and removal is the only option. The one off-site tree (Tree# 8) will only have minimal impact and can be protected with tree protection fencing and root pruning.

Variance Findings

The Planning Board must make findings that the applicant has met all requirements of this Chapter 22A-21 before granting the variance. Staff has made the following determination on the required findings:

1. Will not confer on the applicant a special privilege that would be denied to other applicants;

The Subject Property is zoned MXTC which is a moderately high density mixed use zone that allows commercial/retail and residential uses with parking. As a property on the edge of the Town Center, the use of the Property for a child day care is consistent with the Master Plan and zone and is a reasonable transition from the residential uses just outside of the Town Center to the properties within the core of the Town Center. Granting a waiver does not confer upon the Applicant a special privilege that would be denied to others.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant;

The requested variance is not based on conditions or circumstances which are the result of actions of the Applicant. The Applicant has prepared and submitted plans which meet all applicable zoning, septic, and forest conservation requirements for developing the Property as a child day care facility. The variance request is based upon plans which meet all requirements, but result in the removal of seven specimen trees and impacts to one additional tree.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property

The requested variance is a result of the proposed development and not a result of land or building use on a neighboring property.

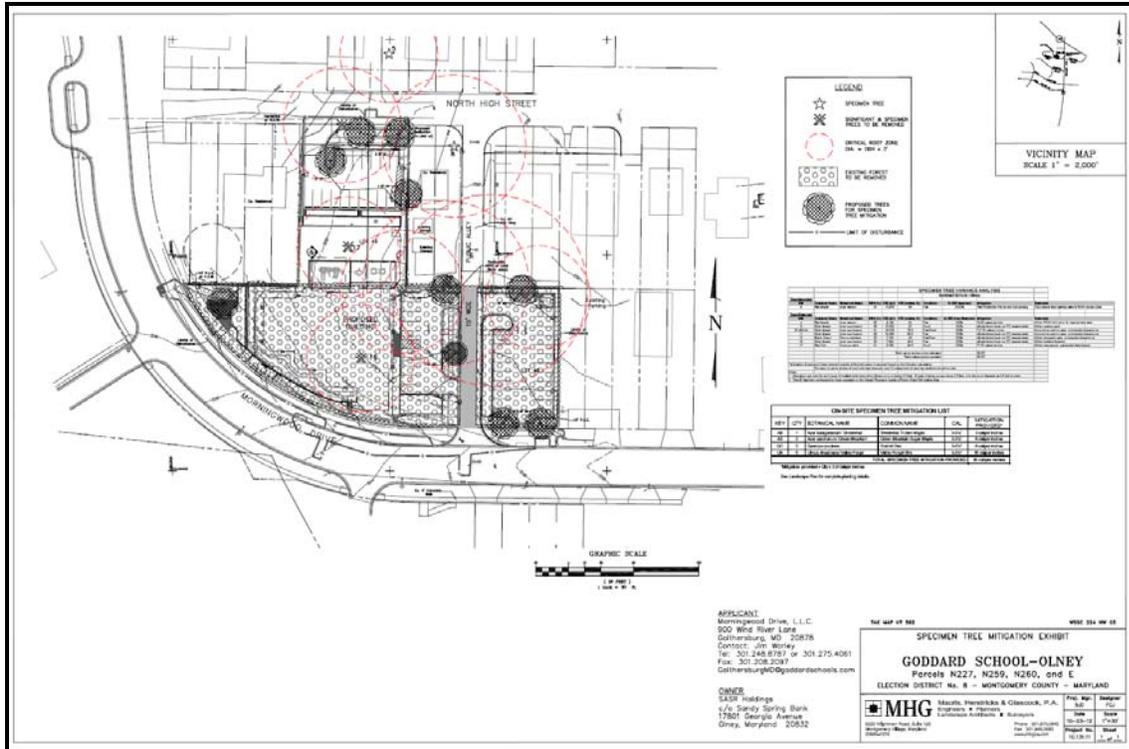
4. Will not violate State water quality standards or cause measurable degradation in water quality.

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are not within a stream buffer, wetland, or a special protection area. A Stormwater Management Concept Plan has been approved by the Montgomery County Department of Permitting Services.

Mitigation

Of the seven trees that will be removed, the removal of four trees (#9, #11, #12, #16) are accounted for in the forest conservation worksheet because these trees are within existing forest on the Property. The remaining three trees that are to be removed (#4, #10, #17) are subject to mitigation. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are 2.2" to 3" DBH in caliper. This means that for the total combined caliper inches of these three trees (118 inches) mitigation should be with twelve (12) 2.5" DBH native canopy trees on the Property. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the canopy coverage and eventually fill in open areas of the forest where the large trees have been removed. The location and species type of the mitigation trees are shown on the Specimen Tree Mitigation Exhibit. These trees will assist in providing tree cover that is recommended in the Olney Master Plan.

Staff finds that the Plan meets all applicable requirements of the county Forest Conservation Law.



Tree Mitigation Exhibit

Stormwater Management

The Department of Permitting Services approved a stormwater management concept on February 1, 2012. The concept consists of 3 micro-bioretention facilities, planter box bioretention and a bio-swale. The concept meets the requirements of Chapter 19 as required

Compliance with the Subdivision Regulations and Zoning Ordinance

The Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections of the Chapter. The proposed lot's size, width, shape and orientation are appropriate for the location of the Property for the intended use as a daycare facility and to accommodate associated parking.

The Preliminary Plan was reviewed for compliance with the dimensional requirements of the MXTC zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A more detailed analysis is provided in the Development Standards table in the Site plan review. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Zoning Table for the MXTC

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Non Residential Density	0.35 far	0.179
Setbacks		
Front	0 feet minimum 10 feet from street maximum	Determined at Site Plan
Side within same zone	0 feet	Determined at Site Plan
Rear within same zone	0 feet	Determined at Site Plan
Height	42 feet	Determined at Site Plan
Public Use Space	10%	10%
Site Plan Req'd?	Yes	Yes

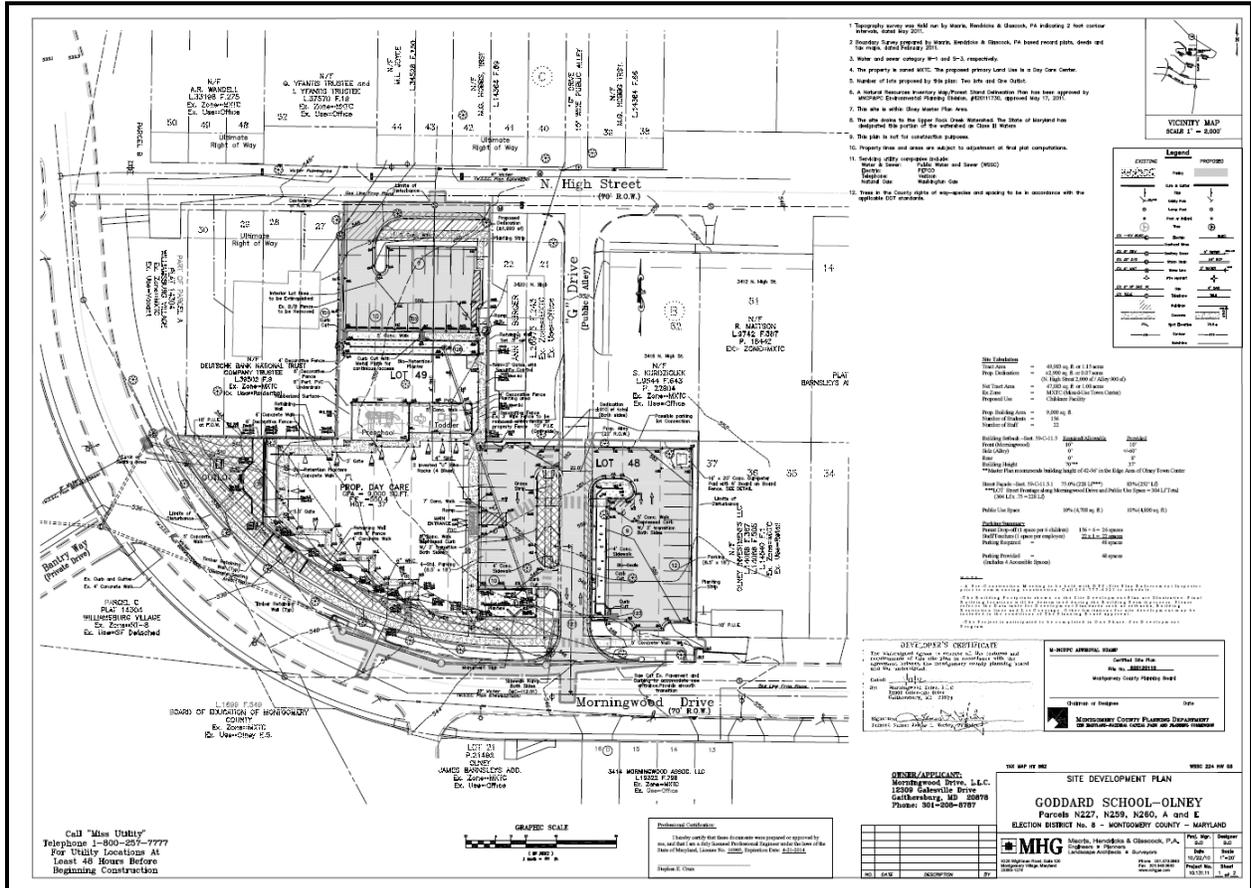
Preliminary Plan Conditions

- 1) This Preliminary Plan is limited to two lots for a 9,000 square foot child day care facility with a maximum of 156 day care children and 22 employees.
- 2) Prior to issuance of a building permit, the Applicant must make a lump sum payment of \$23,400.00 to the Montgomery County Department of Permitting Services to mitigate the 2 peak-hour trips as required by the Policy Area Mobility Review.
- 3) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan no. 120120150, approved as part of this Preliminary Plan, subject to:
 - A. A certificate of compliance from a forest bank that meets off-site mitigation requirements must be recorded prior to the start of clearing and grading.
 - B. Inspection scheduling must be in accordance with Section 22A.00.01.10 of the forest conservation regulations.
 - C. A two-year maintenance and management agreement must be approved prior to acceptance of on-site planting.
- 4) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letters dated August 1, 2012 and October 22, 2012, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 6) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated February 12, 2012, and does hereby incorporate it as a condition of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Applicant must dedicate and show on the record plat the following dedications:
 - Thirty Five (35) feet from the centerline of the existing right-of-way for North High Street along the property frontage.
- 8) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by MCDOT.
- 9) The certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.
- 10) No clearing, grading or recording of plat(s) prior to certified site plan approval.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

Section 3: Site Plan Review



Site Plan

FINDINGS

1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan was required for the subject site.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed day care facility is a service use and is allowed in the MXTC Zone, and the Site Pan fulfills the purposes of the zone by providing a transitional use on the edge of the Town Center conforming to the recommendations of the Master Plan.

As the project data table on page XX indicates, the Site Plan meets all of the development standards of the MXTC zone. With respect to building heights, the proposal for 37 feet is well under the 70 foot height allowance permitted by the MXTC Zone, and is lower than the 42-56 feet recommended in the Olney Master Plan for “Edge Area of Olney Town Center”. The minimum setbacks are adhered to with the proposed building and parking, and the density of the proposed development is under the maximum allowed. Density provided is 0.18 FAR which is less than the permitted 0.35 permitted under the standard method of development. With respect to public use space the proposed development satisfies the minimum standards of the zone.

A site plan is required for standard method development projects in the MXTC zone, pursuant to §59-C-11.3.1 (1), subject to the following findings:

A standard method development project that includes:

- a. A net lot area of five acres or more;

The net lot area of this development is 1.08 acres; therefore this standard does not apply.

- b. Certain uses with more than 20,000 square feet for each establishment as specified in Sec. 59-C-11.4;

The Application proposes a 9,000 square foot day care facility; therefore this standard does not apply.

- c. A modification of the maximum front setback or the street façade requirements, or; the front setback required along Morningwood Drive is 10 feet and is being provided with the site plan application. The Site pPan application satisfies the street façade requirements pursuant to §59-C-11.5.1 as addressed below:

1. Any development must provide at least one street façade for a minimum of 75 percent of the lot frontage along a street or other publicly accessible sidewalk, way or space. The street façade must be located within 10 feet of: 1) the front lot line or; 2) the public use space along a street or other publicly accessible sidewalk, way or space.

The street façade identified for the building accounts for 75 percent of the lot frontage and is accessible in two locations from Morningwood Drive. The primary entrance for the day care facility faces the parking lot and public alley

due to daily operations of the facility including pick up/drop off of children and parking for visitors. The building fronting Morningwood Drive undulates to provide architectural interest and is located within 10 feet of the front lot line. Other points of access are provided from the public alley and parking facilities.

2. The ground floor portion of any street façade in a non-residential development must have windows and principal entrances to stores and retail establishments from the adjoining sidewalk or public use space. Off-street parking structures, if located along required street facades, must have retail or other pedestrian-oriented uses at the ground floor level fronting the street with direct access to the sidewalk or a public use space.

A day care facility is a non-residential use in the MXTC Zone but does not have the typical ground floor features associated with a retail or commercial establishment. There are no ground floor retail establishments associated with the day care, however, the building has been carefully designed to provide pedestrian access points and windows along Morningwood Drive through the public space. The façade, including the front wall, has been lowered so that the window and other architectural elements are visible from the sidewalk.

3. The Planning Board may modify a street façade requirement including the location or the minimum length of a required street façade during site plan review to achieve the objectives of the applicable master or sector plan. For lots with more than one street frontage, the Planning Board may establish which side would be subject to the street façade requirements during the site plan review based on a layout that best achieves pedestrian oriented streets.

The siting of the building takes full advantage of the alignment of Morningwood Drive and is articulated with breaks in the building to address the street façade and activation of the public realm. The landscaping enhances the physical environment and provides an urban design element that is currently lacking among the commercial businesses fronting Morningwood Drive and North High Street. Even though the lot has multiple frontages, the only building frontage that can be effectively evaluated is along Morningwood Drive. No part of the proposed building fronts North High Street or the public alley.

The total lot frontage along Morningwood Drive equals 304 feet measured from the western lot line to the public alley access. The building façade measures 252 feet, which is 83 percent of that required frontage.





- d. A recommendation for site plan review in the applicable master or sector plan.

The language on page 56 of the Olney Master Plan states: “The Planning Board at the time of site plan review should analyze the need and desirability of an outdoor public space on a particular lot in terms of its size, location, type, configuration and relationship to the street and adjoining developments, and determine whether a public open space is in fact needed and more desirable than streetscape or landscape improvements.”

The Master Plan does not specifically identify this site for site plan review, however, the objectives and recommendations for the building façade and urban design elements are critical to the implementation of the Plan and can most appropriately be evaluated as a Site Plan review. The Application satisfies the Master Plan’s objectives through the design elements featured in the Site Plan, including building location, landscaping, lighting and enhanced pedestrian and vehicular circulation.

**Site Plan Data
Table for the MXTC
Standard Method of Development**

Development Standard	Zoning Ordinance Permitted/ Required	Proposed for Approval & Binding on the Applicant
Gross Tract Area (ac.):	n/a	1.15
Dedication (ac.):	n/a	0.07
Net Tract Area (ac.):	n/a	1.08
Density §59-C-11.5(2)		
Max. Non-Residential Density (FAR)	0.35 (17,494 sf)	0.17 (9,000 sf.)
Min. Setbacks §59-C-11.5(2)		
Min. Front Setback (feet)	0	0
Max. Front Setback (feet) from a street line:	10	10
Min. side or rear setback from another lot in the same zone, or from an adjacent commercial zone (feet):	0	0
Min. side or rear setback from an adjacent residential zone (feet):	20	20
Max. Building Height (feet)		
Main building (feet):	42-56 ¹	40
Min. Public Use Space §59-C-11.5(2)		
For lots of more than 40,000 sf.	10% (4,708 sf.)	10% (4,800 sf)
Parking Spaces §59-E		
Parent Drop-off (1 sp/6 children)	26	
Staff/Teachers (1 sp/employee)	22	48
Total	48	

¹ Height is not recommended in the zone, however, the height proposed is consistent with the Olney Master Plan (page 56).

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Locations of buildings and structures

The buildings and structures of the proposed development are located along the interior curve of Morningwood Drive, which is appropriate for the character envisioned by the Master Plan. This location provides easy access to the building from adjoining sidewalks and parking. The design of the building is visually prominent to the curve of the road and is characteristic of a residential building with pitched roofs and traditional masonry features. The interval openings in the building break up the massing of the building façade and take advantage of the topography and articulate the façade treatments. The location of the day care building, retaining walls, decorative fences, and parking is adequate and efficient, while meeting the aesthetic concerns of the area.

Open spaces

The open spaces are adequate, safe and efficient and address the needs of the site and surrounding community. The MXTC zone requires a minimum of 10 percent (4,708 square feet) of the net tract area attributed to public use space. The application satisfies this requirement by providing the minimum 10 percent (4,800 square feet). The public use space provided is predominately adjacent to Morningwood Drive and the building façade facing the road. The space is ornately defined by a low retaining wall that follows the contours of the street and includes landscaping that enhances the public realm and pedestrian experience. The space also emphasizes the entrances to the building from Morningwood Drive. A small section of public use space is located along the public alley oriented between the parking area and drop-off area for vehicular traffic. Both spaces satisfy the public use space requirements of the zone. The public use space that is provided expands on the street façade of the building and along the entry area and parking facility on the west side of the public alley. The public use spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Landscaping and Lighting

Landscaping accentuates the building footprint with a mix of low evergreen and deciduous shrubs and ornamental trees. Shade trees provide ample screening for the parking facilities and open play area associated with the tot lots, open space is used for stormwater management, a traditional foundation planting area for the building, and as a colorful space for ornamental plantings. Street trees and lighting are provided along the street to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. Lighting proposed is residential in character with 12 foot poles and full cut-off recessed fixtures.

Recreation Facilities

There are no recreation facilities required for this site plan, but benches and bicycle facilities are provided. The daycare facility is also providing separate recreational outdoor facilities for both the toddler and preschool age children.

Pedestrian and Vehicular Circulation

Pedestrian access from adjacent sidewalks along Morningwood Drive adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by improvements to the public alley allowing efficient circulation on the site. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. Three separate parking areas are provided satisfy the parking needs of the day care. The parking area immediately to the east side of the building is situated to accommodate drop-off activities in the morning and evening as well as accessible parking. The other parking area east of the building will accommodate the visitors and staff needed for the day care operations. The northernmost parking area will likely be for staff parking and will not have the intensity of use that the other two parking areas will have. This balance of design with the site, the recommendations of the Master Plan, and general need for this type of use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed day care facility is compatible with the adjacent and confronting residential and commercial uses opposite Morningwood Drive and the smaller commercial establishments and residential uses surrounding the site to the north and east. The building has been designed to be compatible with the residential neighborhoods to the west through building articulation, fenestration, traditional masonry materials and a façade that activates the street through pedestrian access and accentuated foundation planting. The use is consistent with the surrounding commercial establishments through similar hours of operations, parking and circulation. The nominal height of the building is lower than the adjoining buildings fronting Morningwood Drive.

The structure itself is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses. The size of the building is typical of many existing commercial structures in the Olney area but is kept at a lower height to meet the Master Plan goals as an “edge” property. The operational characteristics do not create a conflict with the commercial establishments based upon the specific hours of operation associated with the use. The vast majority of activities inherent to this use are directed towards Morningwood Drive and not on to North High Street.

The proposed use is an appropriate transition at the edge of the town center district from the residential neighborhoods to the retail establishments to the east.

5. *The site plan meets all applicable requirements of Chapter 19 regarding water resource protection and Chapter 22A regarding forest conservation, and any other applicable law.*

The Department of Permitting Services approved a stormwater management concept on February 1, 2012. The stormwater management concept consists of on-site water quality control via construction of 3 micro-bioretenion facilities, planter box bioretention and a bio-swale. The concept meets the requirements of Chapter 19 which addresses protection of water resources and drainage.

The 1.38 acre tract area for purposes of forest conservation contains approximately 0.82 acres of forest, all of which will be removed. A 0.69 acre reforestation requirement will be met by off-site planting in an approved forest bank. On-site plantings will provide shade to paved areas, sidewalks and replace some of the forest lost through tree removal.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan 820120110, Goddard School-Olney, for a 9,000 square foot child day care facility accommodating a maximum of 156 students on 1.15 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on October 1, 2012 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120120150 being presented concurrently to the Planning Board, unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, MCDOT conditions, and MCDPS stormwater conditions.

Environment

2. Forest Conservation & Tree Save

The proposed development must comply with the conditions of the approved final forest conservation plan as per the conditions of the preliminary plan approval 120120150.

3. Stormwater Management

The development is subject to Chapter 19 of the County code which requires a stormwater management concept. A concept was approval on February 1, 2012 by the Montgomery County Department of Permitting Services that addresses the requirements of this Chapter. The Site Plan must satisfy the conditions of the stormwater management concept as specified by the preliminary plan of subdivision approval 120130150.

Transportation & Circulation

4. Transportation

The Applicant is required to comply with the MCDOT conditions as stated in a letter dated August 1, 2012 and as amended on October 22, 2012. preliminary plan of subdivision 120120150.

5. Pedestrian Circulation

Provide sidewalks in accordance with the Site Plan and show on the certified Site Plan a connection of the Morningwood Drive sidewalk to the bust stop pad located at the southeast property corner.

Site Plan

6. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A04-A06 of the submitted architectural drawings, as determined by M-NCPPC staff.

7. Landscaping

Final Landscape Plan to be incorporated into Certified Site Plan set. Landscape material and location must be provided in conformance with the Landscape Plan and must include Tree Mitigation plantings as specified on the Tree Mitigation Exhibit.

8. Private Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down-light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 12 feet including the mounting base.

9. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.

- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

10. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, retaining walls, decorative fencing and bicycle facilities must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping, retaining walls, decorative fencing and lighting.
- e. Landscaping and sidewalks associated with each parking lot shall be completed as construction of each facility is completed.
- f. Pedestrian pathways associated with each facility must be completed as construction of each facility is completed.
- g. Provide each section of the development with necessary roads.
- h. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

11. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Ensure consistency off all details and layout between site plan and landscape plan.

APPENDICES

A. Agency Approvals