

April 18, 2005

MEMORANDUM

TO: Elsabett Tesfaye, Planner
Community-Based Planning Division

VIA: *EA for DA* Daniel K. Hardy, Supervisor
Transportation Planning

FROM: Ed Axler, Planner/Coordinator *EA*
Transportation Planning

SUBJECT: Special Exception Case No. S.E. 05-2
Child Day Care Center for up to 30 Children
Pathway Child Development Center at Gretta's Place
4419 Muncaster Mill Road, Rockville

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject special exception use in the existing single-family detached unit in the RE-1 zone. Currently in this detached housing unit, the petitioner operates a child daycare facility for 12 children permitted by right and one person lives on the site.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions below as part of the transportation-related requirements for granting of this special exception:

1. Limit the special exception use to a child day care center with up to 30 children and up to six employees.
2. Obtain the necessary review of the parking layout with the Montgomery County Department of Permitting Services (DPS) prior to use and occupancy permit.
3. Contact Maryland State Highway Administration (SHA) regarding:

- a. The necessary access permit for a commercial curb-cut from Muncaster Mill Road (MD 115) given the close proximity to the commercial driveway for the adjoining special exception use to the south.
- b. Coordination with SHA's Project No. MO9105171, Muncaster Mill Road Improvement Project now under design.

The Transportation Planning staff finds that the proposed special exception use satisfies the Local Area Transportation Review test and will have no adverse effect on nearby roadway conditions or pedestrian facilities.

DISCUSSION

Site Location

The special exception site on Lot 3, Block A is located in the northeast side of Muncaster Mill Road (MD 115) east of Sycamore Lane.

Vehicular Site Access and Parking

The vehicular access point into the on-site parking area would be from the existing driveway off Muncaster Mill Road. Two garage spaces are available for long-term parking by the director and the 7:00 a.m. arrival of a senior staff person. The existing paved carport in front of the house is to be modified and delineated for nine surface parking spaces that include one handicapped space. The nine surface parking spaces would adequately accommodate the short-term parking needs to drop-off and pick-up children and the longer-term needs for the four other staff persons and other visitors.

On-Site and Off-Site Pedestrian Facilities

A sidewalk is proposed to connect the on-site parking area to the front door. The existing off-site pedestrian facilities are substandard with no sidewalks along the segment of Muncaster Mill Road near the site. Besides this proposed special exception use, other off-site pedestrian origins and destinations along Muncaster Mill Road between Sycamore Lane and Norbeck Road (MD 28) include the Norbeck Baptist Church, Rockville Church of the Nazarene, Chinese Bible School, Norbeck Shopping Center, and Saint Patrick's Catholic Church. However, pedestrian activity generated by this proposed special exception use would be nominal, if any, as to not affect the existing off-site pedestrian environment given the following:

1. The children would arrive and depart by vehicles because the function of a day care center is to care for children between the time their parents drive to work on a weekday morning and back home that evening.
2. Employees could not easily use transit because on this segment of Muncaster Mill Road only Ride On route 52 is available (i.e., with a 35-minute headway between buses connecting the Rockville Metrorail Station with Montgomery General Hospital in Olney).

Master Plan Highways and Bikeway

According to the *Olney Master Plan*, Muncaster Mill Road is designated as a two-lane arterial, A-93, with an 80-foot right-of-way and bike lanes, BL-35. The Intercounty Connector (designated as a freeway, F-9) has a master-planned alignment that crosses Muncaster Mill Road north of the site and would not impact this site.

Adequate Public Transportation Facilities Review

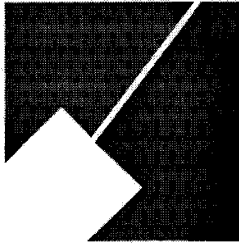
A child day care center with six or fewer staff persons working at one time would generate fewer than 30 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.) Therefore, a traffic study is not required to satisfy Local Area Transportation Review under the *FY 2005 Annual Growth Policy*. Under the *FY 2005 Annual Growth Policy*, the Policy Area Transportation Review is no longer considered in the APF review.

EA:gw

cc: Al Blumberg
Sue Carter

mmo to e tesfaye re spec exc se 05-2

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

April 13, 2005

MEMORANDUM

TO: Elsabett Tesfaye, Zoning Analyst
Development Review Division

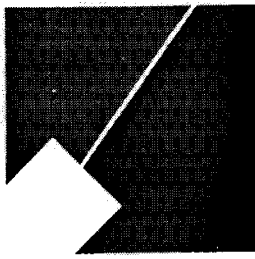
FROM: Khalid Afzal, Team Leader *KA*
Georgia Avenue Team
Community-Based Planning Division

SUBJECT: SE 05-02, Child Day Care on Muncaster Mill Road

The proposed special exception is located in the 2005 Olney Master Plan. The Plan does not have any specific guidance regarding child day care centers or this location. General language in the Master Plan (pages 41 and 42) states that special exception projects "should be compatible with the development pattern of the adjoining uses in terms of height, size, scale, traffic and visual impacts of the structures and parking." The Plan recommends minimizing "the negative impacts of special exception uses such as non-residential character, visibility of parking lots, excessive size, height and scale of buildings and intrusive lighting."

KA:ha: j:\cbd1\afzal\SE05-02

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MEMORANDUM

TO: Elsabett Tesfaye, Community Based Planning Division
VIA: Mary Dolan, Environmental Planning *MD*
FROM: Michael Zamore, Environmental Planning *MZ*
DATE: May 9, 2005
SUBJECT: Special Exception SE-05-2
Pathway Child Development Center

Environmental Planning staff has reviewed the Special Exception request referenced above. Staff recommends **approval**.

Forest Conservation

The project is exempt from Forest Conservation (Exemption # 4-05006E issued September 22, 2004). There are two significant trees on the property (25-inch Maple, 29-inch Tulip-poplar) both of which will be saved. A Tree Save plan is not required.

Environmental Guidelines

This site is not located within a Special Protection Area. There are no wetlands, streams or stream valley buffers within the property.

Watershed Protection

The property is in the Manor Run subwatershed of the Upper Rock Creek watershed. The *Countywide Stream Protection Strategy* (CSPS, 1998) lists both subwatershed/stream and habitat conditions in Manor Run as 'poor' on account of problems observed with in-stream habitat. CSPS has designated the area a Watershed Restoration Area. This designation is common in areas of the County that were developed prior to the establishment of comprehensive environmental regulations. In such areas, streams have been degraded to varying degrees, mainly through the effects of uncontrolled runoff, and Watershed Restoration tools are necessary to stop further degradation and improve 'fair' or 'poor' stream conditions.

LAW OFFICES

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**Of Counsel*

April 18, 2005

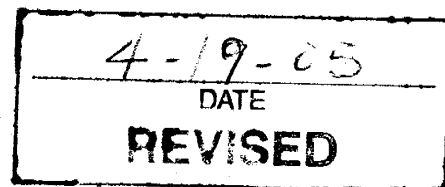
Francoise Carrier, Esquire
Hearing Examiner's Office
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, MD 20850

RE: Special Exception No. SE05-2
Pathway Child Development Center at Greta's Place
4419 Muncaster Mill Road, Rockville

Dear Ms. Carrier:

I am writing to you on behalf of my client, Margretta S. General, concerning the above-referenced special exception which is scheduled for public hearing on May 9, 2005. By letter dated April 12, 2005, I filed a Motion to Amend the application for this child daycare center in order to incorporate a Supplemental Statement of Operations and revised Site Plan, as well as a request for a waiver from the parking setback requirement. Subsequent to the filing of those materials, Technical Staff with M-NCPPC contacted my client and recommended further modifications to the Site Plan that, in Staff's opinion, result in a better layout that is more compatible with adjacent land uses. Accordingly, my client has modified its Site Plan to incorporate Staff's comments. The relocation of the proposed parking area, also necessitates modification to the Statement of Operations and to the Request for a Waiver from the parking setbacks.

Accordingly, I move to amend the application in accordance with Section 59-A-4.24 of the Zoning Ordinance to incorporate the enclosed Amended Statement of Operations and Request for Parking Waiver and Revised Site Plan and Landscaping Plan into the record.



Thank you.

Very truly yours,

MILLER, MILLER & CANBY

Susan W. Carter

SWC/dlt

Enclosures

cc: Elsabett Tesfaye
Ed Axler
Martin Klauber, Esquire
Margretta General
Al Blumberg

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND

IN THE MATTER OF :
THE PETITION OF :
MARGRETTA GENERAL : **Case No. SE-05-2**
FOR A CHILD DAYCARE FACILITY :
FOR UP TO THIRTY CHILDREN :

**REVISED STATEMENT OF OPERATIONS
AND REQUEST FOR PARKING WAIVER**

Petitioner, Margretta General, seeks approval of a special exception for a child daycare center for up to thirty (30) children for property located at 4419 Muncaster Mill Road, in Rockville, Maryland. The subject property is described as Lot 3, Block A, "Sycamore Acres" subdivision, located in the RE-1 zone, consisting of approximate 1.03 acres. The subject property is currently improved with an existing one family residential structure. Ms. General currently resides in the home and provides child care for up to twelve (12) children as permitted by right in the zone. Petitioner does not intend to reside in the home once the special exception for the proposed child daycare facility has been approved; it will be used exclusively for the child daycare center. However, it will retain its residential appearance insofar as the only modifications made to the building will involve interior work.

The maximum number of children to be enrolled at the center is thirty (30) children. These children will include infants through nursery school age children, ranging in age from six weeks to five years old. An appropriate ratio of teachers to children will be maintained in accordance with State licensing guidelines.

The center will open at 7:00 a.m. and will close at 6:30 p.m. on weekdays, Monday through Friday. The drop-off and pick-up periods will be staggered throughout the morning and afternoon.

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Although there will be a total of eight staff employed by the center (this includes the director, the senior staff, and the teachers' assistants) and there will be no more than six staff on site at any given time. The staff arrival/departure times will be as follows:

7:00 a.m.	2 Staff (Director and Senior Staff) will be present
7:30 to 9:30 a.m.	3 additional Staff (1 Senior Staff and 2 Teacher Assistants) will arrive
9:30 a.m. to 1:00 p.m.	An additional Senior Staff member will arrive at 9:30 a.m. for a total of 6 Staff on site. All 6 Staff will be present on site until 1:00 p.m.
1:00 p.m. to 4:00 p.m.	One of the Teacher Assistants will depart, leaving a total of 5 Staff on site
4:00 p.m. to 6:30 p.m.	The remaining 5 Staff will depart on a staggered schedule with at least one Staff member remaining until the center closes at 6:30 p.m.
6:30 p.m.	Center will close

Children will play outdoors in small groups of no more than ten children at one time and will be carefully supervised at all times. 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. Of course, since some of the children will be infants, their outdoor playtime may be limited to outdoor stroller time.

The play area, located immediately to the rear of the existing residence, will be fenced with a 48" fence to provide a secure play area. Typical outdoor play equipment will be provided to the children in this area. Access to the subject property will be from the existing driveway entrance on Muncaster Mill Road which will be widened to 20' in width to accommodate two-way traffic. The existing two car garage accommodates two parking spaces which, it is anticipated, will be used by

Staff. In addition, nine parking spaces are proposed in the front of the structure for a total of eleven (11) parking spaces (including one handicapped accessible space).

The subject property is currently improved with the existing house and a small parking area used in connection with the family daycare that is permitted by right in the zone. In addition, there is existing lawn area and a small amount of existing vegetation. Petitioner proposes to add three red maple trees in the front yard to provide shading for the proposed parking area and three additional red maples will be planted in the rear yard adjacent to the proposed play area. An existing 15' white pine located at the southwestern side of the proposed parking area will remain as it is in good condition. (Please note that the tree is actually located slightly south of the location noted on the Site Plan.) In addition to the six red maple trees, a row of evergreen shrubbery is proposed along the western perimeter of the proposed parking area and a smaller row of evergreen shrubbery is proposed in the northwest portion of the rear yard. In addition to the proposed landscaping, a 6' foot board on board fence will be added along the eastern property line and a 4' high board on board fence will be located along the western property line.

The only new lighting proposed for the subject property consists of one decorative residential post light measuring 8' in height to be located adjacent to the proposed walkway at the front of the proposed child daycare facility and two wall mounted lights to be located on either side of the front of the garage. Proposed lighting will be designed and installed to ensure that there is no adverse impact to surrounding properties caused by glare.

A sign measuring approximately 3' x 5', mounted between two poles measuring 6' in height is proposed as depicted on Exhibit No. 7 in the record. Two battery operated or solar powered lights, affixed to the ground, are proposed to illuminate the sign. The Petitioner intends to seek any necessary approval of the sign from the Sign Review Board.

Section 59-E-2.83 of the Zoning Ordinance provides that parking facilities, 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 required in the zone. In the RE-1 zone, the side yard setback requirement is 17'. Accordingly, the parking facility (including the driveway) must be set back 34' from the side lot line. The front yard setback in the RE-1 zone is 50'. This same 50' setback requirement applies to the parking facility.

After discussion with Technical Staff at M-NCPPC, it was suggested that parking in the front of the proposed child daycare center would reduce the overall amount of impervious area required on site, thus maintaining the residential appearance of the subject property. Parking in this location would also minimize the impact upon residents of the adjoining properties insofar as the activity associated with the drop-off and pick-up of children will be confined to the area closest to Muncaster Mill Road. In order to locate the parking as reflected on the Site Plan, however, we are seeking a waiver of the parking setback provisions in accordance with Section 59-E-4.5 of the Zoning Ordinance.

Section 59-E-4.5 provides in pertinent part that "[t]he Director, Planning Board, or Board of Appeals may waive any requirement in this article not necessary to accomplish the objectives in Section 59-E-4.2 and in conjunction with reductions may adopt reasonable requirements above the minimum standards." The objectives of Section 59-E-4.2 include:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by

use of perimeter landscaping, planting, walls, fences or other natural features or improvements.

- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exists to public roads so as to reduce or prevent traffic congestion.
- (d) The provision of appropriate lighting, if the parking is to be used after dark.

We believe a waiver of the setback requirements is appropriate for the following reasons.

First, there is only one new parking space being added to the subject property outside the parking restriction line that does not already exist. As illustrated by the dashed line contained on the Site Plan, the existing parking area used in connection with the existing family daycare will be reduced in size to accommodate the five westernmost spaces. The new parking lot will not encroach any further into the side yard setback than the lot that exists today. Although four new spaces will be created on the eastern side of the proposed parking area, only one of these spaces extends beyond the parking restriction line into the front yard setback. The proposed parking area will require a waiver of 28' along the western side of the proposed parking lot and a waiver of 8' from the front yard setback requirement for a parking facility.

Since the arrival and pick-up times for children will be staggered over the course of several hours during the morning drop-off and evening pick-up time, there will be limited vehicular activity on the site. The driveway is designed to be 20' in width to allow two-way vehicular movement and to ensure the optimum safe circulation of traffic. A proposed 4' wide sidewalk from the parking lot to the front entrance of the center will be provided for the safety of the parents and children entering

and exiting the center. As described above, the parking area in the front yard will be in keeping with the front yard parking arrangement for the adjacent group residential facility.

In summary, we believe that the proposed child daycare center will be in harmony with the general character of the neighborhood and will satisfy the general and specific criteria for approval of a child daycare facility for up to thirty children.

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May 6, 2005

VIA FACSIMILE & EMAIL

(301) 495-1306; elsabett.tesfaye@mncppc-mc.org

Ms. Elsabett Tesfaye
Senior Planner, Zoning Section
Development Review Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: **Special Exception Petition of Margretta A. General
Hearing Examiner Case No. SE-05-2**

Dear Ms. Tesfaye:

As you know, this law firm represents the Geriatric Care Facilities, LLC, a Group Home For The Elderly special exception for housing up to 16 persons suffering from Alzheimer's disease.

Our client's facility is located adjacent to the above-referenced proposed daycare for 30 children. My client is strongly opposed to that special exception.

You have requested that we set forth in writing the information we orally gave to you of our principal position as to why the daycare special exception must be denied as a matter of law. *We request that this letter be made part of the packet submitted to the Board members.*

1. **Relevant Facts**

In 1995, Geriatric Care Facilities, LLC was granted a special exception by the Board of Appeals to operate a Group Home for Elderly persons who suffer from Alzheimer's disease. At considerable expense, a new facility was constructed, specifically designed for the needs of this population. The facility includes a large landscaped garden area with a wandering path in the rear yard in which the Alzheimer's patients may walk or sit. The inside of the building is designed so that the common areas – living room, dining room – bring the outdoors indoors by use of glass windows/doors overlooking the garden.

Ms. Elisabeth Tesfaye
M-NCPPC
May 6, 2005
Page 2

The garden area is located less than 20' from the property line with the adjacent property that contains the single family home that is to be converted into a 30 child daycare center. The window of the bedroom of the Alzheimer's facility closest to the proposed daycare property is also less than 20' from the property line. The playground for the proposed daycare is located about 70' from this shared property line. Thus, children will be playing less than 90' from the garden and closest bedroom of the Alzheimer's facility.

Recently, I was in the garden of the Alzheimer's facility. I could hear the normal speaking voices of children and their caretaker coming from the playground area of the proposed 30 child daycare center. There were a few children on the playground which I presume were part of the existing daycare on that property which is operated as a matter of right for no more than 12 children.

As the owner/operator of the Alzheimer's facility, Walter H. Fanburg, M.D., a specialist in geriatric psychiatry, explained to you, the treatment and care of persons suffering from Alzheimer's disease requires a quiet, serene environment. Loud noise, such as a child yelling or crying, can greatly disturb a person suffering from Alzheimer's disease. This can lead to extreme agitation and at times combative behavior.

2. Legal Findings Required for Approval of the Daycare Special Exception

A daycare facility for 30 children may be approved only if each of the following legal requirements are met:

- i. The daycare use "[w]ill not be detrimental to the use ... of surrounding properties...." §59-G-1.21(a)(5).
- ii. The daycare use "[w]ill not be detrimental to the ... peaceful enjoyment ... of surrounding properties...." §59-G-1.21(a)(5).
- iii. The daycare use "[w]ill not be detrimental to the ... economic value ... of surrounding properties...." §59-G-1.21(a)(5).
- iv. The daycare use "[w]ill cause no objectionable noise" §59-G-1.21(a)(6).
- v. The daycare use "[w]ill not adversely affect the health ... of residents ... in the area...." §59-G-1.21(a)(8).

- vi. The daycare "use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activities." §59-G-2.13.1.

Due to the noise that will be generated by children playing outside (as well as the noise from more than 120 car trips that 30 children being dropped off and picked up, plus staff, will generate) these requirements are not satisfied.

With regard to economic harm, we noted that the Alzheimer's facility was constructed at great expense as a unique facility to service this population. A noisy environment will result in persons seeking care for a relative suffering from Alzheimer's disease utilizing other competing facilities. Further, my client's Alzheimer care facility cannot readily be converted into another use without economic loss. This is to be compared to the proposed daycare which is in a single family home that absent special exception approval could result in the house continuing to be used as a single family home with or without the current daycare facility for up to 12 children.

The presence of an already established special exception precluding the approval of a new adjacent special exception is not unusual. For example there are a wide range of special exceptions in the Zoning Code which would clearly be incompatible located next to each other, e.g., an Ambulance or Rescue Squad next to a Hospice; an Outdoor Pistol Shooting Range next to a Hospital; a Solid Waste Transfer Station, Rock Quarry or Sawmill next to a Nursing Home.

Further, the Zoning Code makes clear that the presence of an existing special exception also precludes approval of another special exception if the concentration of special exceptions adversely affects the residential character of the area. §59-G-1.21(a)(7).

3. **The Adverse Effects Arising From A Use Permitted As a Matter of Right Are Legally Irrelevant**

As noted, the house for which the 30 child daycare use is requested presently can be used for a daycare for up to 12 children. This is permitted under the Zoning Code as a *matter of right*. It has been suggested that because that daycare could give rise to the same type of noise generated by a 30 child daycare there may not be any greater adverse effects than arising from the permitted use. Therefore the 30 child daycare special exception should be approved. Similarly, it is argued that even a single family home occupied solely by a single family could produce adverse noise and even greater noise, such as if the home were occupied by a number of teenagers that had outdoor parties.

Ms. Elsabett Tesfaye
M-NCPPC
May 6, 2005
Page 4

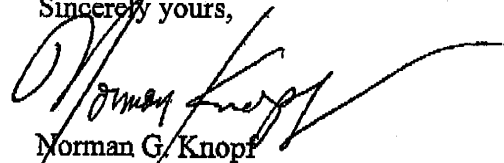
The law is clear, however, that the adverse effects flowing from a use permitted as a *matter of right* are irrelevant; it may not be taken into consideration as a justification for allowing the special exception use producing the same adverse effects. To the contrary, such special exception use must be denied as a matter of law.

This principle is concisely addressed in the key case (which happened to involve traffic effects), Schultz v. Pritts, 691 Md. 1, 432 A.2d 1319, 1330-31 (Ct. of Appeals of Md., 1981) in which the Court stated:

More particularly, by definition, the permitted use may be developed even though it has an adverse effect upon traffic in the particular location proposed. *By definition, a requested special exception use producing the same adverse effect at the same location must be denied.* It is precisely because a permitted use may be developed even though it may have an adverse effect on traffic at the particular location proposed, whereas, a special exception use may not, that to grant a requested special exception use on the ground that it generates traffic volume no greater than that generated by a permitted use is logically inconsistent and in conflict with previously established standards. [emphasis added.]

For these reason, we believe that as a matter of law the special exception must be denied.

Sincerely yours,



Norman G. Knopf
Attorney for Geriatric Care Facilities, LLC

Robert L. Ehrlich, Jr.
Governor
Michael S. Steele
Lt. Governor
Region V



Christopher J. McCabe
Secretary
Child Care Administration

September 20, 2004

**Pathway Child Development Center
At Gretta's Place
4419 Muncaster Mill Road
Rockville, MD 20853**

License Number: 15-125290

Dear Operator:

Your child care center license to operate **Pathway Child Development Center at Gretta's Place** will expire on **September 29, 2004**. We sent a renewal application packet to you on **April 28, 2004**. We received your renewal package on **July 23, 2004**. We also conducted a renewal inspection on **August 20, 2004**. COMAR 07.04.02.08A requires an operator wishing to renew a license to operate a child care center to submit a complete written application and all required documentation at least 60 calendar days before the existing license expires. As of the date of this letter, we have still not received from you the following required renewal application items:

- **Proof from CJIS that Resident Staff Person, S. Dhanasekharan, Criminal Background Checks have been generated through CCA.**

The Child Care Administration cannot renew your license to operate **Pathway Child Development Center at Gretta's Place** until you have submitted all of these items. Pursuant to COMAR 07.04.02.07A, we are issuing to you a provisional license, which is valid for 60 calendar days from the date of expiration. The provisional license permits you to continue operating **Pathway Child Development Center at Gretta's Place** for the period of time under the same terms and rights as your expired license. The provisional license will expire on **November 30, 2004** and is non-renewable.

If you have not submitted all of the license renewal application items listed above by the expiration date of the provisional license, the Child Care Administration will deny your application for license renewal and will direct you to cease operating **Pathway Child Development Center at Gretta's Place**.

If you have any questions about the provisional license or require assistance in submitting the remaining renewal application items, please call your licensing specialist, **Carol McLellan at 240-314-1423**.

Sincerely,

Vielka Dyer /s.w.

Vielka Dyer
Regional Manager

Enclosure

cc: Official file

Paula Johnson, Director, Office of Licensing
Christle Sheppard, Director, Office of Program Standards
Ctr. Post-Expiration Provisional Letter.doc

EXHIBIT NO. 12(a)

APPLICATION NO. SE 05-2

MARYLAND DEPARTMENT OF HUMAN RESOURCES

51 Monroe Place, Suite 200 • Rockville, Maryland 20850-2421 • (240) 314-1400 • 1-800-648-3112

TTY user call via Maryland Relay at 800-925-4434

Equal Opportunity Employer

#10

Michelle Morfitt and Christopher Gorman
6001 Warm Springs Drive
Rockville Maryland 20855
Phone 301-545-1147
Fax 301-545-1148
Michmorfitt@hotmail.com

July 30, 2004

To Whom it May Concern,

Our son Calvin began daycare at Pathways at Gretta's Place, Muncaster Mill Road when he was nine months old. We decided to send him to Pathways, after visiting about 10 other childcare facilities in the area. Pathways was our first choice because we were impressed with the cleanliness and organization of the facility, and liked Miss Sharu's gentle and kind demeanor.

Calvin has spent 6 very special months at Pathways. We are extremely pleased with the level of personal attention the teachers have for the children and the consistent sense of order and calm. Calvin has grown very fond of his teachers and playmates, and particularly enjoys the outdoor play area, the vast selection of toys, the books at story-time and the singing and dancing activities.

We are very grateful to find such a great daycare center. We trust and admire the teachers implicitly, and have faith that our son is getting the best start in life by attending Pathways.

We wholeheartedly recommend Miss Sharu and Pathways at Gretta's Place, to other parents who want no less than the highest quality care in a safe and nurturing environment.

Yours sincerely



Michelle and Christopher Gorman

AFFIDAVIT OF COMPLIANCE

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

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

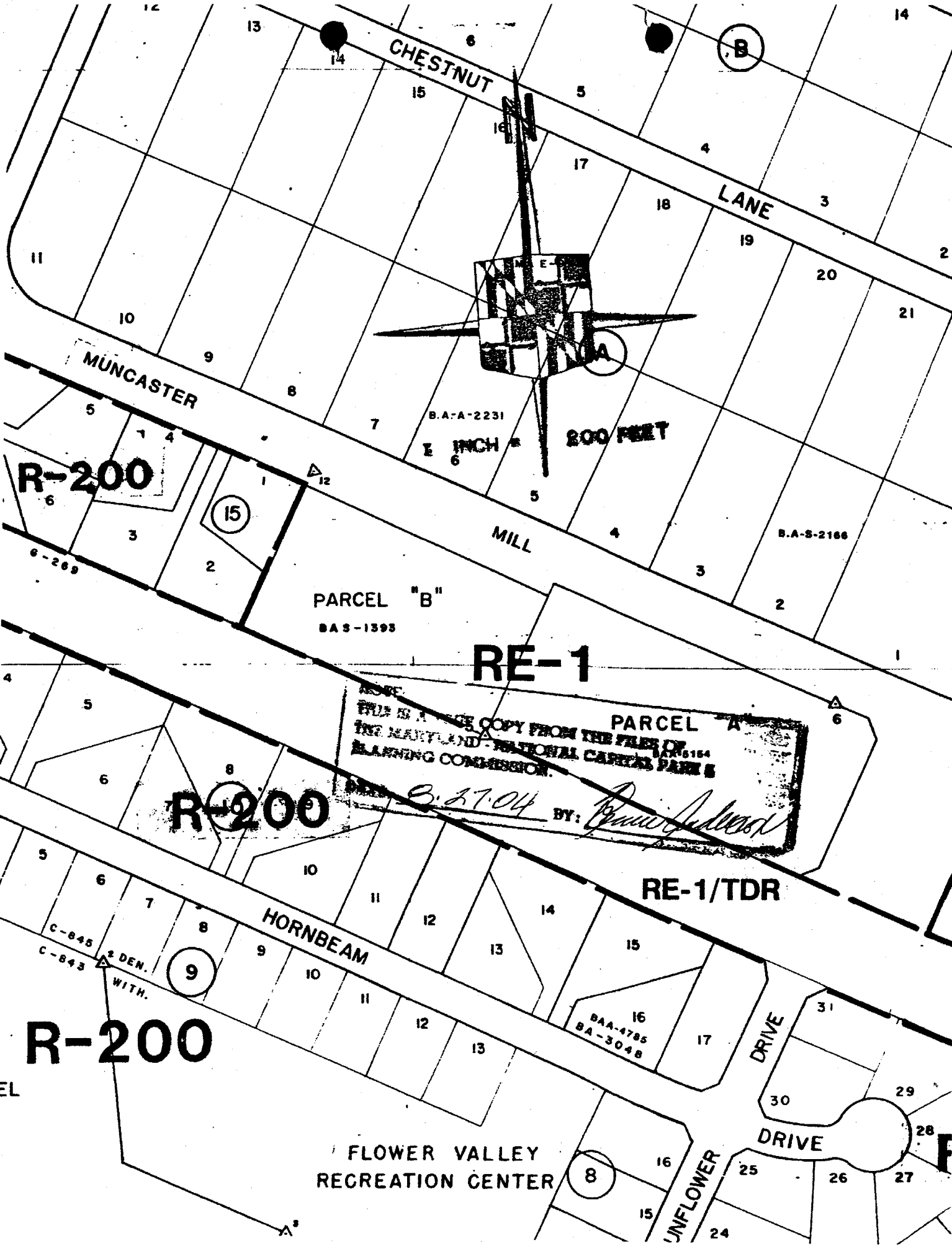
Margaret S. General (MARGARET S. GENERAL)
Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this 30th day of SEPTEMBER, 2004.

Federico Anthony Pedreira
Notary Public

My Commission Expires: 1/24/2006

FEDERICO ANTHONY PEDREIRA
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 24, 2006



CHESTNUT

LANE

MUNCASTER

MILL

HORNBEAM

RE-1/TDR

FLOWER VALLEY RECREATION CENTER

R-200

R-200

R-200

RE-1

THIS IS A TRUE COPY FROM THE FILES OF THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION. DATE: 8.27.04 BY: [Signature]

PARCEL "B" B.A-S-1393

PARCEL "A" B.A-S-164

B.A-A-4785 B.A-3048

B.A-A-2231

B.A-S-2166

6 INCH

800 FEET

EL

F