

2801 RANDOLPH ROAD
GROWING ANGELS DAYCARE, LLC
CONDITIONAL USE NO. CU202416

Description

Request for Conditional Use approval to expand the licensed and currently operating Growing Angels Day Care Center facility at 2801 Randolph Road, from 12 children to 18 children within a single-family detached dwelling unit, and with off-street parking and an outdoor play area.

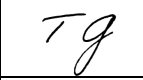
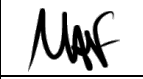

Exhibit 22
OZAH Case No: CU 24-16

No. CU202416

Completed: 12-19-2024

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff

	Tamika Graham, Planner III, Midcounty Planning, Tamika.Graham@montgomeryplanning.org, (301) 495-4551
	Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, (301) 495-4539
	Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, (301) 495-4653

LOCATION/ADDRESS

2801 Randolph Road, Silver Spring

MASTER PLAN

2013 *Glenmont Sector Plan*

ZONE

Residential - 60 (R-60)

PROPERTY SIZE

10,824 square feet

PETITIONER

Teresita Hernandez

ACCEPTANCE DATE

May 20, 2024

REVIEW BASIS

Conditional Use – Chapter 59

HEARING EXAMINER PUBLIC HEARING

January 9, 2025

Summary:

- Staff recommends approval of the Conditional Use for a maximum of 18 persons with conditions and transmittal of comments to the Hearing Examiner.
- In 2018, the Property was approved by the Hearing Examiner for a 15-person Day Care Center but is currently licensed for 12-persons. The Petitioner amended their initial proposal from an increase of up to 30-persons to a request for up to 18 people in total.
- The Petitioner currently lives on the Property. A total of five (5) employees are proposed, which includes the Petitioner.
- A small front porch reconfiguration is proposed.
- This Project is not subject to the Forest Conservation Law (Chapter 22A) and complies with the Environmental Guidelines.
- With this Application, Planning Staff has made a re-determination of the on-site vehicle parking. The Property was previously approved for eight (8) off-site parking spaces whereas a total of six (6) spaces are feasible.
- Staff recommends approval of the Petitioner's request for a parking waiver for two (2) spaces per Section 59.6.2.10 of the Zoning Ordinance.
- The Proposal is supported by the County's Department of Transportation (MCDOT).
- Staff has not received any public correspondence as of the date of this Staff Report.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS 3

 CONDITIONAL USE No. CU202416 3

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION 4

 VICINITY/NEIGHBORHOOD 4

 PROPERTY DESCRIPTION..... 7

SECTION 3: PROJECT DESCRIPTION..... 9

 PRIOR APPROVAL..... 9

 PROPOSAL 9

SECTION 4: COMMUNITY CORRESPONDENCE 16

SECTION 5: ANALYSIS AND FINDINGS..... 17

 CONDITIONAL USE No. CU202416 17

 FOREST CONSERVATION PLAN LAW 35

SECTION 6: CONCLUSION 36

 ATTACHMENTS 36

SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE NO. CU202416

Staff recommends approval of the Day Care Center at 2801 Randolph Road, Conditional Use No. CU202416, for the expansion of the existing day care center subject to the following conditions:

1. The Day Care Center facility must be limited to a maximum of eighteen (18) persons/children and five (5) employees, including the Director(s)/Owner(s), at any one time on the Property.
2. The hours of the operation are limited to Monday through Friday, 7:00 a.m. to 6:00 p.m.
3. The Petitioner must remove the existing non-code compliant paint striping for vehicle parking spaces in the driveway.
4. No more than six (6) parking spaces within the Property's driveway shall be occupied at once.
5. All parking for patrons of the day care center should occur on the Property. No tandem parking spaces within the driveway shall be assigned for the day care center.
6. The Petitioner must schedule staggered employee arrivals and staggered drop-off and pick-up of children with a maximum of two (2) vehicles dropping off or picking up children during any fifteen (15)-minute period.
7. Non-resident employees must park on-street along surrounding roads where there are no parking restrictions.
8. The Petitioner must issue a Parental Agreement to all enrollees that provides details for parking, the preferred circulation route to the day care center, and requirement for staggered arrivals and departures per fifteen (15)-minute intervals.
9. The Petitioner must provide one (1) long-term bicycle parking space on-site for employee use.
10. The Petitioner must abandon the existing approval for Conditional Use No. CU201810 if the current Conditional Use No. CU202416 is approved by the Hearing Examiner.
11. The Subject Property is currently a principal dwelling unit with an accessory institutional use. If the Petitioner vacates the property as a resident, a minor Amendment is required to address all pertinent requirements for an institution as the principal use within a general building type, including parking.

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Subject Property (“Application”, “Property”, or “Site”) is located in Glenmont Village subdivision which is an established single-unit, detached residential neighborhood with houses mostly built in the 1950s. The neighborhood is in the R-60 Zone and has a grid pattern street network with mostly four-way stop intersections; no streets terminate in a cul-de-sac by design. The Property is approximately one (1) mile to the west of the Glenmont Metro Station which is located on the eastern side of the intersection of Georgia Avenue and Urbana Drive.

The Property is located at the intersection of Randolph Road and Terrapin Road. Randolph Road is a six-lane divided major highway with a grass median. Terrapin Road is a tertiary residential street with a 50-foot-wide right-of-way. This segment of Randolph Road has a posted speed limit of 35 miles per hour. Four-foot-wide concrete sidewalks are located on both sides of Randolph Road and Terrapin Road. There is no on-street parking permitted along the Property’s Randolph Road and Terrapin Road frontages due to parking restrictions; however, there is on-street parking on Terrapin Road on the opposite side of the street from the Subject Property. The intersection of Terrapin Road and Randolph Road is stop controlled for the Terrapin Road approach directly in front of the Property. There are several Ride On bus stops located along Randolph Road, one of which is in front of the Subject Property at the eastern corner of Terrapin Road at Randolph Road.

To determine the compatibility of the proposed use with the surrounding area, Staff delineated the neighborhood area that will be most directly impacted by the proposed use. Since the 2018 Conditional Use application (No. CU201810), the Staff-defined Neighborhood has been moderately expanded to include additional portions of Glenmont Village along major defining features. The new Staff-defined Neighborhood is generally bounded by Urbana Drive to the north and northwest, Lindell Road to the south, and Georgia Avenue to the east (Figure 1). The southern boundary has been redefined as Lindell Road because it aligns with the boundaries identified as the Glenmont core in the Sector Plan and areas north of Lindell Road encompass the Glenmont Village neighborhood. Areas south of Lindell Road are associated with the abutting Weisman subdivision. The new Staff-defined Neighborhood now includes the row of single-family detached homes to the east that are within a block of Georgia Avenue (MD 97) and the Glenmont Greenway Urban Park. As a major road, Georgia Avenue serves as the eastern boundary for the neighborhood. Urbana Drive remains the northern boundary as areas further north are recognized as Glenmont Hills. The updated Staff-defined Neighborhood has similar defining features and captures nearby neighborhood-serving uses such as the above noted Urban Park and the Glenmont Fire Station. The Neighborhood is composed primarily of small lots with single-family detached homes. The greater neighborhood is served by various civic

and institutional uses and parks located outside of the boundary including the Glenmont Local Park, Wheaton High School, Thomas Edison High School of Technology, and the Weller Road Elementary School.

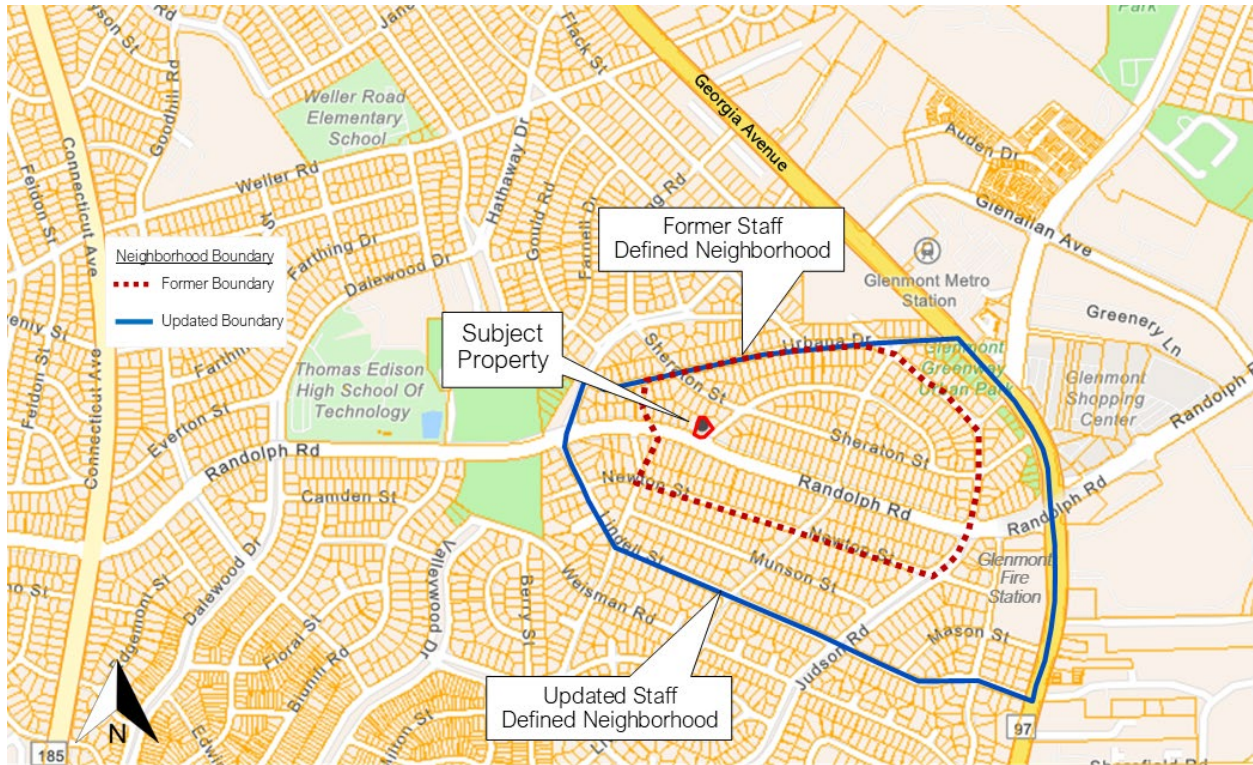


Figure 1: Vicinity Map with Staff-defined neighborhood highlighted in blue

During the review of the 2018 Conditional Use Application (No. CU201810) Staff identified one special exception approval within the Staff-defined neighborhood, an accessory apartment, S1500 located at 2507 Randolph Road, (0.4 miles east of the Subject Property) which was approved on November 21, 1987. There are two additional Conditional Uses within the boundaries of the modified Staff-defined Neighborhood – these include an accessory apartment and a home day care. No new conditional uses have been approved within the modified neighborhood boundary since the Petitioner’s prior application in 2018.

Table 1: Conditional Uses within the Staff-defined Neighborhood

Map No.	Case No.	Address/ Block & Lot	Use Description
1	CU201810	2801 Randolph Road (Block 16, Lot 18) (Subject Property)	Day Care Center (Proposed expansion currently under review)
2	S1500	2507 Randolph Road (Block 8, Lot 20)	Accessory apartment in private dwelling
3	CBA233	2402 Sheraton Street (Block 4, Lot 6)	Child Care Home
4	S1199	2403 Lindell Street (Block B, Lot 5)	Permit the continued use of an existing Accessory Apartment

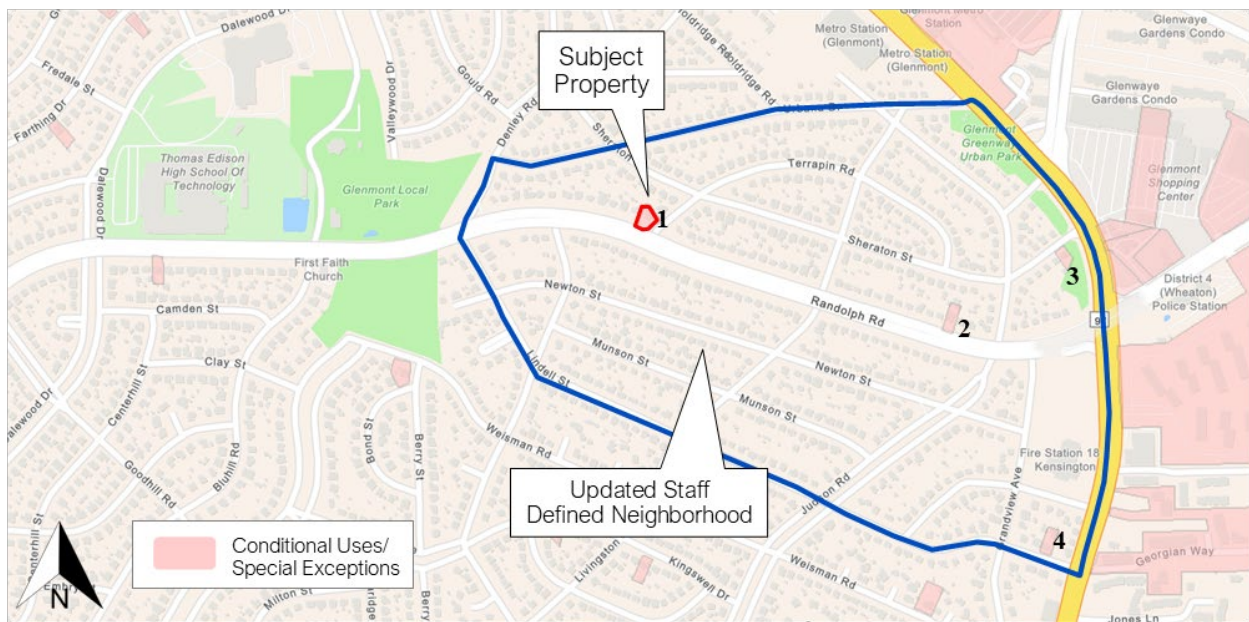


Figure 2: Conditional Uses within the Staff-defined Neighborhood

PROPERTY DESCRIPTION

The Subject Property is located at 2801 Randolph Road, Silver Spring and known as Lot 18, Block 16 of the Glenmont Village subdivision (Plat No. 2443). The Site is a 10,824-square foot corner lot that has frontage on both Randolph Road and Terrapin Road. The Property is a one-story detached dwelling that was built in 1950 and serves as both the Petitioner's residence and the location for the Growing Angels Daycare, LLC. The Petitioner owns and operates the existing day care center that is currently licensed for twelve (12) children. The Petitioner's house originally contained 1,268 square feet of living area above grade but is currently 2,034 square feet from a past expansion. The Subject Property has a basement and attic storage but does not have a garage or carport. There is a shed in the back yard. An existing asphalt and concrete driveway is located on the southeast side of the house with curb cut access onto Terrapin Road (Figure 2). The driveway is approximately 52 feet long by 47 feet wide¹ and is double-wide by design. Parking spaces are striped with one (1) ADA space and six (6) angled spaces. These parking spaces are used by both the residents and the daycare patrons. A lead-in sidewalk from Randolph Road connects to the front door of the house.

Along the Property's southwest edge at Randolph Road there is a retaining wall that wraps around the street frontage. The lead-in concrete sidewalk separates the retaining wall into two segments. Along the top of the wall on Randolph Road, there is a vinyl picket fence that encloses the outdoor play area. In all, there are three (3) retaining walls on the Subject Property. Two of the retaining walls are in the front yard and the third wall is along the Property's north property line and at an edge of the driveway. The sidewalk on Randolph Road is at a lower elevation than the area of the front yard behind the retaining wall (an approximately four-foot difference). A street light is in the Randolph Road right-of-way in front of the Petitioner's Property.

¹ The previous Conditional Use Application (No. CU201810) certified that the driveway was larger at 61 feet long by 51 feet wide. This driveway figure has been revised in the Petitioner's current statement and Staff concurs with the smaller dimension. This is further discussed under the parking summary.



Figure 3: Subject Property (outlined in red)

The Petitioner and her spouse live on the Property but the majority of the residence is used for the day care center. Parents and children enter and exit the day care center through a back door on the north side of the residence facing Terrapin Road. An outdoor play area is located on the west/southwest sides of the Property with approximate dimensions of 45 feet long by 43 feet wide. Most of the outdoor play area is located along the west side of the residence with a portion of it in the front yard at the southwest side, along Randolph Road. The play area is enclosed with an approximately four-foot high, vinyl picket fence.

The Site does not contain any protected environmental features and is not within a Special Protection Area.

SECTION 3: PROJECT DESCRIPTION

PRIOR APPROVAL

Conditional Use No. CU201810

In 2016, the Petitioner began operating a Family Day Care² for eight (8) children from her residence at the Property. Per Conditional Use No. CU201810 (CU 18-10), the Petitioner requested approval to expand the existing eight-child Family Day Care to a Day Care Center³ (13-30 persons) for 15 children to keep up with the demand in the community. No physical alterations to the exterior of the Petitioner's residence were included as part of that application. As approved, the hours of operation remained the same as operated prior to the previous application: 7:00 a.m. to 6:00 p.m., Monday through Friday. The Planning Department's Staff Report dated October 1, 2018, and the Planning Board's recommendation for approval (after hearing on October 11, 2018) were transmitted to the Office of Zoning and Administrative Hearings (OZAH). The Conditional Use was approved by the Hearing Examiner after a public hearing held on October 26, 2018 subject to conditions, stated in the Hearing Examiners report dated November 9, 2018, including 15 non-resident children at any one time and up to three (3) non-resident employees (in addition to the resident Petitioner), and a maximum of two (2) vehicles every 15 minutes to drop-off and pick-up children. Subsequent to the Hearing Examiner's approval for up to 15 children, the use was licensed for only 12 children.

PROPOSAL

The Petitioner requests to expand the existing Day Care Center from a maximum enrollment of 12 persons to a maximum of 18 persons for the purpose of childcare⁴. The Petitioner intends to serve children in a variety of age groups including infants (3 months to 1 year), toddlers (1-3 years), preschoolers (3-5 years), and before/ after care for school age children up to 13 years old. The Day Care Center's current operation is limited to sections of the first floor of the dwelling (as shown in Figure 5). The Petitioner currently lives on the Property and serves as the primary caregiver for the existing Day Care Center. Currently, there is one other employee of the existing day care who also lives on the Property.

² Per Section 59.3.4.4.C of the Zoning Ordinance, a Family Day Care (Up to 12 Persons) means a Day Care Facility for a maximum of 12 people in a dwelling where for child day care the registrant is the provider and a resident, or the registrant is not a resident, but more than half the children cared for are residents. The provider's own children under the age of 6 are counted toward the maximum number of people allowed.

³ Per Section 59.3.4.4.D of the Zoning Ordinance, Day Care Center (13-30 Persons) means a Day Care Facility for 13 to 30 people where staffing, operations, and structures satisfy State and local regulations.

⁴ On 10/1/24, the Petitioner sent a request to OZAH to amend the application from the initial request of up to 30 persons to up to 18 persons.

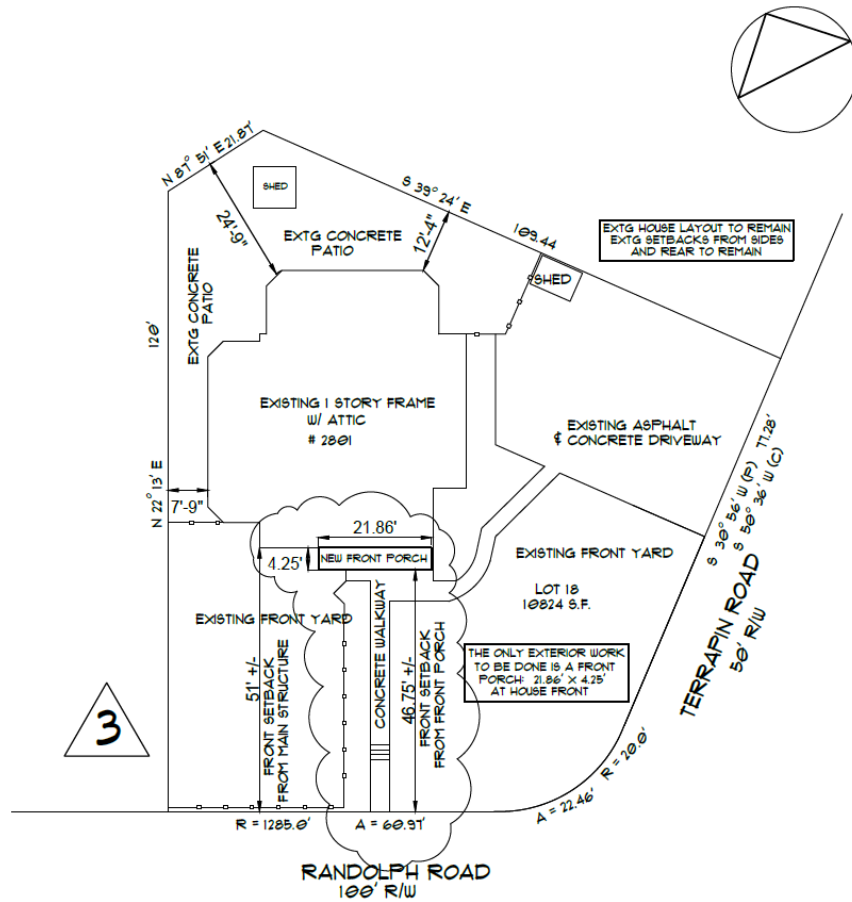


Figure 4: Existing Site Conditions with Proposed Porch Conversion

As shown in Figure 4, with the exception of upgrading the existing covered front entrance with a new porch (approximately 4 feet by 22 feet), the Petitioner is not proposing any physical changes to the footprint of the home or the outdoor recreation space. The Petitioner proposes interior modifications to the first floor of the home that will optimize the space and enhance the proposed day care expansion by removing and/or adjusting interior walls (as shown in Figure 6). These interior modifications are not part of the subject Conditional Use application and will require review by both the Department of Permitting Services and applicable State of Maryland licensing agencies.

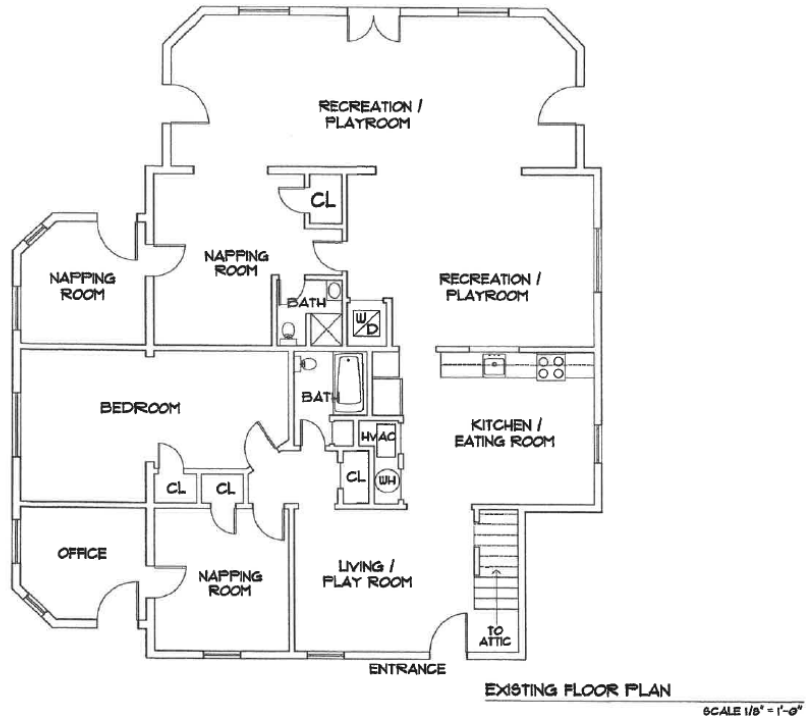


Figure 5: Existing Floor Plan

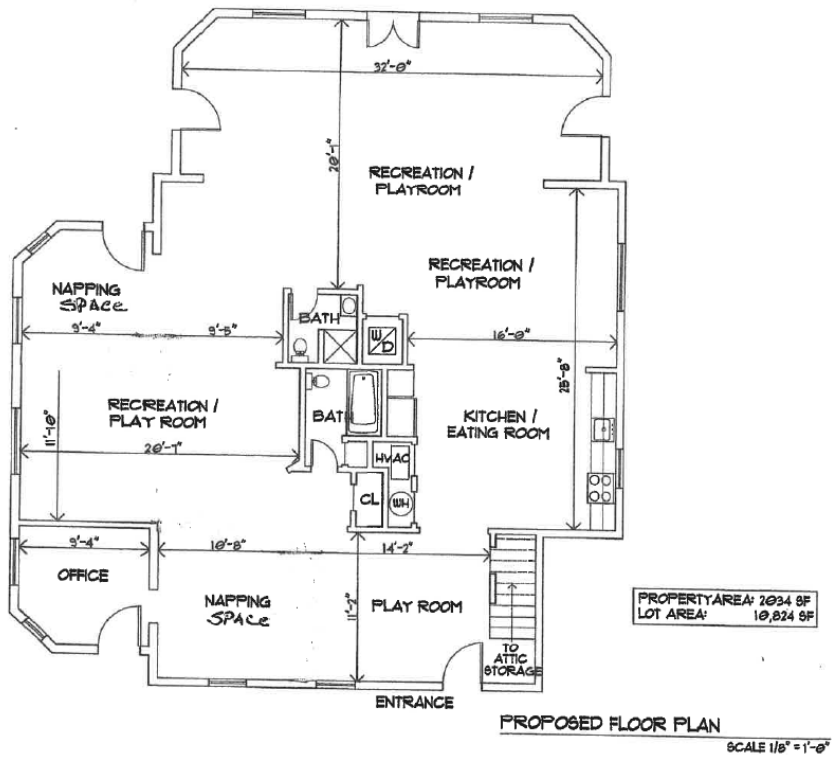


Figure 6: Proposed Floor Plan with Room Conversions

To assist with the additional children, the Petitioner proposes a total of five (5) employees (including the Owner(s)/Director(s)). The petitioner proposes that the employees will use a variety of transportation options to commute to the property including transit services, on-street parking along Terrapin Road and Sheraton Street, and the Glenmont Metro parking garage on the west side of Georgia Avenue. While running the existing 12-person daycare center, the home occupants currently use the off-street parking in the driveway.

Weather permitting, the children will play outside during designated outdoor play hours, which will typically occur from 9:00 a.m. to 10:00 a.m. and from 3:30 p.m. to 5:00 p.m. daily for all age groups - infants, toddlers, and preschoolers, and school aged children. Based on the 2018 Application materials, the Hearing Examiner established a condition of approval for outdoor play that was limited to two scheduled times daily: 10:30 a.m. to 11:30 a.m., and 4:00 p.m. to 5:00 p.m. This current Conditional Use review will consider the revised play times as noted. Outdoor play occurs in the front yard and the Petitioner proposes to expand additional play to the rear yard for smaller groups of children.

The current hours of operation, Monday through Friday, from 7:00 a.m. to 6:00 p.m., will remain the same under the proposed Conditional Use. Parent and/or guardian drop-offs will take place in a staggered pattern between the hours of 7:00 a.m. and 9:00 a.m. and pick-up will typically occur between 4:00 p.m. and 6:00 p.m. As conditioned in the Petitioner's prior Conditional Use Application No. CU201810, parent and/or guardian drop-offs are not permitted to use Randolph Road due to its "no parking" restrictions. There is on-street parking available further along Terrapin Road, where there are no parking restrictions, to serve the expanded Conditional Use. There is off-street parking on the Property's driveway. A discussion of parking count is provided below in the Analysis section.

The Petitioner proposes to continue her use of a parental agreement (Attachment E) for new families enrolling in the day care center, which directs patrons to access the Site by traveling eastbound on Sheraton Street and then turn southbound onto Terrapin Road. Although Terrapin Road is two-way, patrons are discouraged from approaching the Site from Randolph Road. Current families enrolled in the existing day care have each signed this agreement. The Planning Department and the Montgomery County Department of Transportation (MCDOT) note some concerns about parking, circulation, and queuing of vehicles, which is further discussed under the Findings & Analysis section of the report.

The existing conditions of the Property are illustrated in Figures 7 through 10. With the exception of a front porch addition, the Petitioner is not proposing any changes to the building footprint, landscape/screening, or the existing daycare signage that is located in the front yard.



Figure 7: Front View of the Subject Property⁵ (from Randolph Road)



Figure 8: Side View of the Subject Property⁶ (from Terrapin Road)

⁵ The owner removed the gazebo in the front yard shown in Figure 7 during the review of this Application to address DPS comments.

⁶ The owner removed this front yard landscaping shown in Figure 8 that is located atop the retaining wall during the review of this Application to address DPS comments.



Figure 9: View of on-site parking in the driveway (from Terrapin Road)

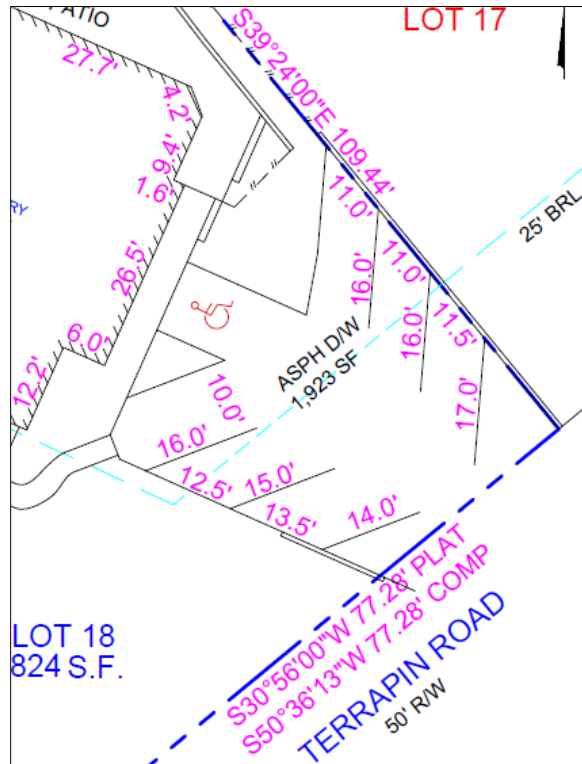


Figure 10: Plan View of existing striping of parking spaces in the driveway

FOREST CONSERVATION

This Project is not subject to Chapter 22A (Forest Conservation) because (1) the application applies to a property of less than 40,000 square feet, (2) The property is not subject to a previously approved Forest Conservation Plan, and (3) The Conditional Use/Special Exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

SECTION 4: COMMUNITY CORRESPONDENCE

Certain types of notice must be provided by both the Petitioner, the Planning Department, and the Office of Zoning and Hearings (OZAH) at specific steps during the regulatory review process. The public received notice from the required signs that are posted on the Project Site. An Application for a Day Care Center without any forest conservation requirements is not required to have a Planning Board hearing; therefore, the Department did not mail notices. OZAH mailed public notices to abutting and confronting properties, homeowners' associations, and community groups within the required distance regarding the OZAH public hearing. A pre-submittal community meeting is not required for this application type. The Application has met all proper signage and noticing requirements under the Zoning Ordinance. As a part of the Application, the Petitioner submitted letters of support from parents of children attending the existing day care facility found in Attachment B. As of the date of this Report, Staff has not received any letters of correspondence from the community.

SECTION 5: ANALYSIS AND FINDINGS

CONDITIONAL USE NO. CU202416

1. Per Section 59.7.3.1.E., to approve a conditional use application, the Hearing Examiner must find that the proposed development:

a) satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.

The Petitioner is subject to the conditions of approval associated with Conditional Use No. CU201810 for a Day Care Center for up to 15 persons. This Application will supersede the prior approval.

b) satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6; Use Standards for a Day Care Center (13-30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

i. The facility must not be located in a townhouse or duplex building type.

The use will be located in a detached house, not within a townhouse or duplex.

ii. An adequate area for the discharge and pick up of children is provided.

The driveway and parking area on the eastern side of the Property provide a well-lit, highly visible, maneuvering space for six (6) cars, including an accessible space, which will accommodate the staggered drop-off and pick up for children.

iii. The number of parking spaces under Division 6.2 may be reduced if the Petitioner demonstrates that the full number of spaces is not necessary because: (i) existing parking spaces are available on abutting property or on the street abutting the site that will satisfy the number of spaces required; or (ii) a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.

Under 59-6.2 of the Zoning Ordinance, a Day Care Center in the R-60 zone is required to have 3 spaces per 1,000 square feet of gross floor area (GFA), which equates to six (6) required spaces for the day care use on the Subject Property. Two (2) parking

spaces are also required for the dwelling use. A reduction in required parking is requested due to the availability of on-street parking and the staggered pick-ups and drops-offs would not create an undue burden on the surrounding neighborhood. Except as conditioned, additional parking to serve the Site will be through unassigned parking spaces along surrounding streets where no parking restrictions exist for residents and non-resident employees.

iv. ***Use Standards***

The Use Standards for a Day Care Center (13-30 Persons) are set forth in Section 59-3.4.4.D which allows it as a conditional use, permitted by the Hearing Examiner under Section 7.3.1, Conditional Use. A Day Care Center is defined as a Day Care Facility for 13 to 30 people where staffing, operations, and structures satisfy State and local regulations and can include instances where the provider is not a resident.

v. ***Development Standards***

The Application proposes to expand an existing day care center use. The Conditional Use Application meets the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance and as shown in Table 2 below, in relation to maximum density, height, and setbacks. Additionally, the Application must provide the minimum required amount of parking spaces associated with the proposed expansion of the use. Further discussion on parking, including the total number and configuration, is provided in the following report section.

Table 2: Development and Parking Standards (R-60 Zone)

Development Standard Section 59.4.4.9.B	Permitted/ Required	Existing/Proposed*
Principal Building Setbacks		
Minimum Lot Area	6,000 sq. ft.	10,824 sq. ft.
Minimum Lot Width at Front Building Line	60 ft.	>60 ft.
Minimum Lot Width at Front Lot Line	25 ft.	>75 ft.
Maximum Density	1.63 units (7.26 dwelling units/acre)	1 unit
Maximum Lot Coverage	35%	<35 % ⁷
Minimum Front Setback	25 ft.	46.75 ft. (to reconfigured porch)
Minimum Side Setback	8 ft.	8 ft.
Minimum Sum of Side Setbacks	18 ft.	18 ft.
Minimum Rear Setback	20 ft.	20 ft.
Maximum Height	35 ft.	20 ft.
Vehicle Parking (Section 59.6.2.4.B) (Day care center - 3 per 1,000 SF of GFA ⁸) (Single unit living - 2 per dwelling)	Daycare: 6 spaces Dwelling: 2 spaces Total: 8 spaces	6 spaces ⁹
Bicycle Parking (1 per 5,000 SF of GFA) (Section 59.6.2.4.C)	1	1

vi. **General Requirements of 59-6**

(1) Access

The Property has dual frontage along Randolph Road and Terrapin Road with the primary point of ingress and egress from a driveway on Terrapin Road. In accordance with the prior Conditional Use approval and the Parental Agreements, parents and employees are required to access the Property by travelling eastbound along Sheraton Street and then turning onto Terrapin Road. To maintain a safe flow of traffic into and out of the driveway, at no time should traffic approach the daycare from Randolph Road.

⁷ The lot is 10,824 square feet and contains 2,034 square feet of living area above grade.

⁸ The Property contains 2,034 square feet of living area above grade.

⁹ The Petitioner requests a parking waiver for two (2) vehicle spaces which is discussed in the Parking summary.

(2) *Parking, Queuing and Loading (59-6.2)*

Under Division 59.6.2, any change in floor area, capacity, use, or parking design requires recalculation of the parking requirement. There is a requirement for two (2) parking spaces for a single-unit living dwelling unit. Section 59.6.2.4 of the Zoning Ordinance requires Day Care Centers (15-30 persons) to provide three (3) off-street parking spaces per 1,000 square feet of gross floor area. The Property contains approximately 2,000 square feet of living area above grade. The required parking breakdown is shown in Table 2 and summarized below:

Day Care Center = 6 spaces

Dwelling Unit = 2 spaces

Total On-Site Spaces Required= 8 spaces

In the 2018 Conditional Use application, a total of six (6) vehicle parking spaces were required for the operation of the conditional use and two (2) were required for the residence. All eight (8) of these spaces were allowed to be provided within the driveway. At the time of the prior application, the Petitioner did not have the spaces marked and Planning Staff did not require dimensions to illustrate how these eight spaces would be arranged. At that time, the Petitioner stated that two (2) parking spaces for the resident employees would be reserved along the edge of the driveway.

Recently, the Petitioner had the driveway striped to clearly delineate each space. According to the Petitioner's submission materials (Figure 10), the Property is said to yield a total of seven (7) spaces, one of which is an ADA space. Although parking space striping is not required in single-family residential zoning districts¹⁰, it is recognized that the new striping was added by the Petitioner with the intent to provide a visual aid for how the parking and flow of pick-ups and drop-offs would operate. However, based on this new drawing and the request for an increased enrollment, Planning Staff has determined that the size of the spaces is not functional to support seven (7) parking spaces for needs of pick-up and drop-off.

Upon reviewing the Petitioner's existing angled parking configuration and striping, MCDOT also expressed concerns regarding the lack of space for a drop-

¹⁰ Per Section 59.6.2.5 of the Zoning Code, off street parking spaces associated with a detached house do not need to be marked.

off location and the safety of the children and parents walking to the building after patron's park if all seven (7) cars were parked at once (as suggested by the Petitioner). The current striping with seven (7) spaces is undersized to function safely and efficiently for non-residential operations and the ADA space designated by the Petitioner does not meet accessibility standards. As conditioned, the Petitioner must remove the existing non-Code compliant paint striping for the vehicle parking spaces in the driveway.

Another consideration for reevaluating the vehicle parking count is that the previous Conditional Use Application No. CU201810 certified that the driveway was larger at 61 feet long by 51 feet wide (3,111 sq. ft.). This driveway figure has been revised in the Petitioner's current application statement and Staff through measuring concurs with the smaller driveway dimension of approximately 52 feet long by approximately 47 feet wide (2,444 sq. ft.).

Therefore, six (6) of the required parking spaces can be accommodated within the Property's existing driveway. Some of the parking spaces for the day care use and all of the non-resident employees will need to be accommodated on-street along the abutting or surrounding roads (not including Randolph Road) or reduced due to transit usage.

This readjustment or re-determination of the existing on-site vehicle parking creates necessary space for children and other pedestrians to walk safely from each parking space to the building entrance, as shown in Figure 11 with Planning Staff's recommended parking arrangement.



Figure 11: Planning Staff’s Proposed Parking Arrangement

Because tandem parking for the day care center is not practical, the additional two (2) spaces required would need to be accommodated on the surrounding roads where there are no parking restrictions. However, while on-street parking that abuts the property is permissible for family day cares, Section 59.6.2.4 of the Zoning Ordinance states that the required parking spaces may not be allowed on the street abutting the site for Day Care Centers. Therefore, the Petitioner requests a parking waiver to be reviewed and approved by the Hearing Examiner as the deciding body. Section 59.6.2.10 states that the deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1. Per Section 59.6.2.1, the intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner.

Planning Staff supports the Petitioner’s request for a waiver of the two (2) spaces due to the availability of on-street parking in the neighborhood and the proposed arrival and departure times for pick-ups and drop-offs that would allow the existing driveway spaces to be utilized safely and efficiently.

Parking Design

The Subject Property must also conform to Section 59.6.2.5.K of the Zoning Ordinance related to off-street parking facilities for conditional uses in residential detached zones where 3 or more parking spaces are provided. Per this section, the Property must satisfy the following standards:

- 1) Location: Each parking facility must be located to maintain a residential character and a pedestrian-friendly street; and
- 2) Setbacks:
 - a. The minimum rear parking setback equals the minimum rear setback required for the detached house; and
 - b. The minimum side parking setback equals 2 times the minimum side setback required for the detached house.¹¹

In terms of appropriate location, the off-street parking is located on the lower classification and volume roadway of the Property's dual frontage. With the Planning Staff's determination of six (6) spaces on-site, the proposed parking arrangement allows visibility of the entrance and does not impair pedestrian circulation along the abutting sidewalk. The parking is an existing condition, and the Petitioner is not constructing a new off-street parking facility.

The Subject Property is also subject to Section 59.6.2.5.M of the Zoning Ordinance regarding surface parking in the R-60 zoning district. Parking for any vehicle or trailer in the area between the lot line and the front or side street building line must be on a surfaced parking area. The Application complies for the location of a surfaced parking area. Further, except as provided in Section 59.6.2.5.M.3, the maximum surfaced parking area between the lot line and the front or side street building line, excluding the surfaced parking area in a driveway on a pipestem or flag-shaped lot, is 35% or 320 square feet, whichever is greater, in the R-60 zone. The driveway is approximately 52 feet long by approximately 47 feet wide, which is approximately 34% coverage and does not exceed the 35% maximum permitted.

¹¹ In the Petitioner's 2018 Application (CU18-10), the Hearing Examiner crossed out the side setback requirement of Section 59.6.2.5.K.2.b. because an amendment to the Zoning Ordinance (ZTA 16-13, Ord. No. 18-15.), now codified in §59.6.2.5.A,1., removed the side setback requirement of that Section with regard to detached houses.

Since less than 10 parking spaces are provided, the Subject Property is not subject to parking lot landscaping area and perimeter planting requirements enumerated in Section 59.6.2.9.B of the Zoning Ordinance.

Overall, from a zoning perspective, the Property meets the parking requirements of Section 59.6.2.4 of the Zoning Ordinance for Day Care Centers.

Recommendations for Parking & Student Enrollment

As previously noted, the Planning Department and MCDOT have evaluated the revised request with respect to on-site parking, circulation, and queuing of vehicles. MCDOT supports this Petitioner's request for an increase of six (6) persons for a total of 18 persons/children. Specific areas that were examined included the drop-off area, adequate space for pedestrians to move in between parked cars, the driveway parking configuration, and queuing near Randolph Road.

Additionally, MCDPS Zoning Staff expressed a lack of support for this revised Application for up to 18 persons/children due to the Petitioner's request for a parking waiver for the two (2) spaces. Planning Staff and MCDOT support the Petitioner's parking waiver for reasons previously stated in the preceding section under the parking summary, in accordance with Section 59.6.2.1 of the Zoning Ordinance. From a Zoning Ordinance compliance perspective, the Petitioner has addressed the MCDPS Zoning comments and concerns about surface parking (Section 59.6.2.5.M) and potential landscaping impacts on sight distance (Section 59.6.3.C) (outlined in the preceding and subsequent subsections).

The Planning Department concurs with MCDOT that a moderate increase of six (6) persons/children at this particular location would not have an adverse impact to the neighborhood. Based on the Petitioner's revised Transportation Statement for arrival and departure times, three (3) or more vehicles would arrive at once during the 7:45 a.m. to 8:00 a.m., the 8:15 a.m. to 8:30 a.m., and the 5:00 p.m. to 5:15 p.m. intervals, which include either patrons solely or combined with non-resident employees. Planning staff recommends that the Petitioner improve this arrival frequency by staggering the arrival times of non-resident employees and adhering to the condition of no more than two (2) vehicles every 15 minutes to drop-off and pick-up children. This arrangement and frequency can support a total of 18 persons/children arriving to the

Property throughout the peak times. This recommendation is based on the Property's driveway size and ability to accommodate the required off-street day care parking spaces. Also recommended is that no more than two (2) resident employees may park on-site in order to reduce conflicts and accommodate a maximum of two (2) vehicles dropping off during any fifteen (15)-minute period. This would help to ease any circulation or queuing burdens.

The Petitioner must issue the Parental Agreements to new enrollees that explain the details for parking, the preferred circulation route to the day care center, and the requirement for staggered arrivals and departures per fifteen (15)-minute intervals and a statement that no more than six (6) parking spaces shall be occupied in the driveway at once.

(3) Lighting

No new lighting is proposed with this Application. There is existing lighting at the various entryways and along the entire walkway from the driveway to the main door. The existing lighting is residential in nature and does not cause any unreasonable glare on neighboring properties.

(4) Screening

Screening of the off-street parking area was initially reviewed in the 2018 Day Care Center application. At that time, the Hearing Examiner determined that no additional screening of the parking area or playground area was necessary to ensure compatibility with the neighborhood. In fact, the Property was previously granted a waiver of Section 59.6.2.9.B of the Zoning Ordinance for perimeter plantings in order to ensure compatibility with the neighborhood. The parking area on the eastern side of the Property is separated from the abutting residential property by a retaining wall, approximately five-feet-high. There is a wooden picket fence on top of a portion of the retaining wall that is approximately three-to-four feet high.

An existing shed provides separation between the Property and the abutting home to the north. No changes are proposed to the landscaping, fencing, or retaining walls. The front yard of the Property contains the outdoor play area which is partially screened by a picket fence atop the retaining wall. The customary activities (i.e. playtime, etc.) of a day care center, such as outside playtime, do not need to be completely obstructed from the public view.

Therefore, the existing retaining wall and fencing continue to suffice for screening purposes for the proposed use and no further action is warranted.

Additionally, the Petitioner had shrubs on top of the retaining wall along Terrapin Road to provide screening of the front yard area. However, DPS Zoning cited Section 6.4.3.C.2.a. of the Zoning Ordinance as a concern: “A fence, wall other than retaining wall, terrace, structure, shrubbery, planting, or other visual obstruction on a corner lot in a Residential zone can be a maximum height of 3 feet above the curb level for a distance of 15 feet from the intersection of the front and side street lines.” To comply, the Petitioner removed this landscaping screening during the review period, previously shown in Figure 8.

(5) Signage

There is an existing sign on the Property that advertises the day care center. No new signage is proposed as part of this Application, but any signage added in the future must satisfy Division 59.6.7 of the Zoning Ordinance.

c) *substantially conforms with the recommendations of the applicable master plan;*

The Property is located within the 2013 *Glenmont Sector Plan* area. The Sector Plan does not provide specific land use recommendations for the Subject Property; however, it does have Goals and Guiding Principles that apply to the area. One of the principles states to, “Maintain and support a wide choice of housing types and neighborhoods by providing adequate community facilities, such as parks, community spaces, schools, and daycare centers for children and adults.” Another guiding principle states to “Improve connectivity by balancing the community’s desire for creating a place for local residents with the needs of through traffic” (page 18). Additionally, the Sector Plan recommends retaining zoning and preserving the existing neighborhoods surrounding the Glenmont core which centers on the Metro station.

The Property will retain its single-family residential zoning and its residential character. It is not undergoing any substantial exterior changes that would indicate a change in enrollment. With respect to transportation goals, the agency recommendations for this Proposal prioritizes the circulation needs of the community by minimizing any adverse traffic conditions on or nearby Randolph Road. Recognizing Randolph Road as a major transportation corridor through the plan area, the conditions of approval will help alleviate any backups onto this roadway and comply with parking restrictions. Continuance of the staggered drop-offs and enforcement of the Parental Agreements

contribute to the day care traffic patterns operating in a way that respects the residential nature of the community and the nearby parking restrictions, as envisioned by the Sector Plan. The Petitioner's Proposal addresses the general recommendations, goals and guiding principles and is therefore in substantial conformance with the Plan.

- d) *is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan; The proposal is harmonious with, and will not alter the character of, the surrounding neighborhood.***

No physical changes are proposed on the Property except for the front porch reconstruction. Therefore, the proposed expansion of the existing day care use will not alter the character of the neighborhood.

- e) *will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

In addition to the Subject Property, there are three (3) previously approved conditional uses, dating back many years, within the Staff-defined Neighborhood, as outlined in Table 1. The Subject Application is not adding a new use and will not increase the number of conditional uses in the Staff-defined Neighborhood. The existing day care center has been operating on the Property since 2018 and the recommended increase in six (6) additional persons/children is appropriate and reasonable considering the site limitations and surrounding context and to ensure compatibility with the neighborhood. The Petitioner is not proposing any physical changes to the Property beyond a small front porch renovation. The proposed day care center expansion, although intensifying the previously approved conditional use, will not adversely affect the area adversely or alter the neighborhood's predominantly residential nature.

- f) *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***
- i. *if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development***

will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or

- ii. ***if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, and***

The Subject Property is currently served by public water and sewer, dry utilities including gas, electricity, and telephone, and designed to accommodate fire access. Existing access to the Site is provided via a driveway on Terrapin Road, which will remain and is adequate to accommodate vehicular traffic anticipated by the Day Care Center. The Property is currently served by sidewalks along the frontages of Randolph Road and Terrapin Road. There are adequate public services and facilities to serve the proposed use, and a Preliminary Plan of Subdivision is not required.

(1) Transportation

Master-Planned Roadways and Bikeway

According to the 2013 *Glenmont Sector Plan*, the segment of Randolph Road fronting the Property is designated as a six-lane divided major highway, M-17, with a 120-foot-wide right-of-way and a shared use path, SP-26. The segment along the Randolph Road frontage is 100 feet wide as platted in 1949 and less than the Master Plan of Highways and Transitways recommended 120 feet width. The 2018 *Bicycle Master Plan* recommends a shared-use path on the north side of Randolph Road.

The 2024 *Master Plan of Highways and Transitways* recommends a Bus Rapid Transit (BRT) route along Randolph Road. The segment along Randolph Road fronting the Property would operate in mixed traffic with no dedicated BRT lanes.

Terrapin Road is not listed in the *Glenmont Sector Plan*. The road functions as a Neighborhood Yield Street with a 50-foot-wide right-of-way as platted in 1949.

Pedestrian Facilities

Existing sidewalks along both sides of Randolph Road and Terrapin Road are five-feet-wide with no street buffer. The entrance to the day care is from the

Terrapin Road driveway with a separate lead-in sidewalk to the house from Randolph Road.

Transit Service

Two public transit routes operate along the Property's Randolph Road frontage. Ride On route 10 operates along Randolph Road between the Twinbrook Metrorail Station and the Hillandale Station (i.e., at New Hampshire and Powder Mill Road). Metrobus route C8 operates along Randolph Road between the North Bethesda Metrorail Station and the College Park-University of Maryland Metrorail Station. The Glenmont Metrorail Station is approximately 2,400 feet walking distance to the northeast of the Property.

Parking and Drop-Off/Pick-Up

Per the Parking Table in Section 6.2.4.B of the Zoning Code, the Petitioner is required to provide three (3) spaces per 1,000 square feet of gross floor area (GFA), which equates to six (6) required spaces for the day care use on the Subject Property. The Property contains a driveway, accessed from Terrapin Road with capacity for up to six (6) parked vehicles (as redetermined by Planning Staff in this current Application). Four (4) of the spaces for the day care center and two (2) parking spaces for the resident employees are recommend to be provided in the Subject Property's driveway, as previously illustrated in Figure 11.

The parent and/or guardian drop-offs take place in a staggered pattern between the hours of 7:00 a.m. and 9:00 a.m. and pick-up will typically occur between 4:00 p.m. and 6:00 p.m. As previously conditioned by the Hearing Examiner, the existing day care center is limited to scheduling parental drop-off and pick-up to two (2) vehicles every 15-minutes. To minimize impacts to the neighborhood, Planning Staff supports a maximum during scheduled parental drop-off and pick-up to two (2) vehicles every 15-minutes.

As previously indicated, there is no available space along the Property's dual frontage due to the parking restriction along Randolph Road. Additionally, based on the linear footage of the Terrapin Road frontage and the amount of space needed to accommodate parking and circulation, no parking space can be accommodated at that specific location. There is not enough linear footage to provide a minimum of five feet of clearance on either side of the Terrapin Road driveway, and a minimum of 22 feet for the parallel parking space, and the required minimum of 25 feet from an intersection for safety and clear sightlines.

However, there is adequate, unrestricted on-street parking along surrounding roads on both sides of the street to serve the expanded Conditional Use. Parking accommodation from surrounding roads was previously found acceptable for all non-resident employees by the Hearing Examiner when the use was classified as a Family Day Care. This current Day Care Center application requests the approval of a parking waiver for the two (2) day care spaces that cannot be accommodated on-site. The typical staggered arrangement of the proposed pick-ups/drop-offs with the proposed addition of six (6) persons/children will not demand all six (6) parking spaces at once, based on the Petitioner's revised transportation statement. The provision of four (4) designated day care parking spaces within the driveway can accommodate the Petitioner's expected parking demand and turnover needs.

Local Area Transportation Review

Under the Petitioner's request for an 18-student day care center in the Glenmont Policy Area, this results in 26 AM peak hour person trips and 22 PM peak person hour trips. Under the 2020-2024 Growth and Infrastructure Policy, a traffic study is not required to satisfy the Local Area Transportation Review (LATR) test, because the proposed day care center expansion generates fewer than 50 person-trips during the weekday during both the morning and evening peak-hours. Person trips include all travel modes – auto/vehicular, transit, walking and bicycle trips.

(2) Schools

The Property is not subject to the Annual Schools Test. The Petitioner is not proposing any new residential units with the day care center expansion.

(3) Other Public Facilities

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing water and sewer. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy in effect at the time that the Application was submitted.

g) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;**
- ii. traffic, noise, odors, dust, illumination, or a lack of parking; or**
- iii. the health, safety, or welfare of neighboring residents, residents, visitors, or employees.**

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic, and environment. Every conditional use has some or all these effects in varying degrees. Thus, inherent effects associated with the use must be determined. In addition, non-inherent effects must be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a conditional use. It must be determined during the Application review whether these effects are acceptable or would create adverse impacts sufficient to result in denial.

Staff determined that the inherent physical and operational characteristics associated with a Day Care Center facility (13-30 persons) include the following key issues when they exceed existing conditions or typical conditions or something is unique about the Property that causes additional impacts: 1) additional vehicular trips to and from the Site; 2) outdoor play areas; 3) noise generated by children; 4) a need for drop-off and pick-up areas; 5) lighting; and 6) screening.

There are no unique circumstances that exacerbate the inherent impacts on this Property compared to other daycares of this size or nature within a single-family home. As previously noted in the preceding LATR section, the trip generation with additional children will remain under the threshold required for a traffic study. While parking is not available along the Property's dual frontage on Randolph and Terrapin Roads due to existing parking restrictions, there is on-street parking along other surrounding adjacent public streets and off-street within the Site's driveway. The recommended drop-offs and pick-ups are limited to two (2) vehicles per 15-minute intervals by the conditions of approval to minimize impacts to the neighborhood.

The outdoor play equipment and lawn area in the front yard is adequate for the Proposal, including access to adequate sunlight and air. The morning and afternoon hours designated for outdoor play are not expected to exceed the typical noise

levels for outdoor activity. Additionally, the Property has a small portion of the western side yard that can be utilized for small groups to play. There is no anticipation of noise from the proposed use that would be out of character for a residential neighborhood or that would exceed the existing noise generated from Randolph Road.

The existing lighting for both the front and side entrances, front yard, and walkway is adequate for the Proposal. The existing lighting fixtures are residential in nature and do not intrude on neighboring properties.

As discussed in the above section, there are various screening components that exist on the Property. There is an existing wooden fence that rests on top of various retaining walls along the dual frontage and side yards. However, due to the Property's situation as a corner lot there are some limitations to landscape screening for visibility purposes. The outdoor play equipment from this frontage is largely in view from the public. Nevertheless, the outdoor play equipment is of a similar scale for a single-family residence and therefore in keeping with the neighborhood character. Overall, Staff determined that the Proposal is not expected to have inherent effects at this location that exceed typical conditions if the proposal is allowed to increase by six (6) additional persons/children for enrollment, as requested by the Petitioner.

Beyond the inherent impacts, the non-inherent impacts that are not typical but unique is that the Subject Property is situated on a corner lot that fronts onto a 6-lane-wide roadway with no on-street parking. The proximity of the Property's driveway to Randolph Road results in the need to avoid traffic queuing onto Randolph Road. This non-inherent issue is sufficiently addressed through the unique circulation to the Site (as conditioned by the Hearing Examiner in the 2018 application) which requests that patrons do not enter the Property's driveway on Terrapin Street directly from Randolph Road. Further, the inability to park on Randolph Road creates a greater need for off-street parking. This is sufficiently addressed through the Property's sizable driveway that can accommodate up to six (6) vehicles which is atypical in comparison to surrounding properties in the defined neighborhood. Most properties within the neighborhood can only accommodate 2 (two) off-street parking spaces, which makes the Subject Property uniquely suited for a non-residential use with more vehicle trips and parking needs. Furthermore, one of the Property's non-inherent characteristics, the location along a busy highway, makes it uniquely suited to a more intense daycare use. Overall, Staff determined that these property characteristics and non-inherent impacts justify

support for only up to six (6) additional children, which can be safely and reasonably accommodated within the existing circulation protocol and the parking setting for pick-ups and drop-offs.

2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.

The Proposal is for the expansion of an existing day care facility in an existing single family detached house; no construction, reconstruction or alteration of any structure is proposed, with the exception of a front porch addition. This porch addition will be compatible with the existing architecture of the home and suitable for a residential environment. Review and approval of the proposed porch addition will fall under the purview of the Department of Permitting Services and will be reviewed separately from the subject Conditional Use application.

3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.

Per Section 59.3.4.4.D.2. of the Zoning Code, where a Day Care Center (13-30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use. The Application meets all of the requirements for a conditional use with respect to compliance with development standards of the zoning district, Master Plan conformance, adequate public facilities, sufficient parking, and an adequate area for the safe discharge and pick up of children.

Furthermore, the Site is particularly suited for the day care center expansion with respect to the physical attributes of the Property and the surrounding setting. The Property is a detached single-family residence on a corner lot and a large driveway to provide off-street parking for its existing and proposed patrons.

The Property can accommodate four (4) out of six (6) of the required off-street parking spaces specifically for the day care center and two (2) spaces for resident employees. The Property has a dual pedestrian entryway that provides adequate ingress and egress to access the use efficiently. There are no structural elements or design features, existing or proposed, that would detract from a desirable visual environment or would alter the existing aesthetics of the Property and therefore impact the broader aesthetics of the community. The Petitioner's

proposed reconstruction of the existing covered entryway into a small porch is consistent with architectural features of surrounding properties and customary for residential buildings.

Therefore, consideration of a minimal increase in enrollment would be in alignment with the Site's parking and queuing limitations and is appropriate for safe and efficient movement, but also to maintain the residential character of the Property.

As previously noted, the Petitioner is conditioned to remove the existing angled parking space paint striping. Not only is the existing spacing inadequate for maneuvering, but the parking lot striping detracts from maintaining the residential character of the lot. Additionally, the paint striping was not a prior condition of approval imposed on the Petitioner.

A moderate expansion of the day care center, consistent with Petitioner request for 18 persons, would continue to satisfy requirements for adequate light, air, and open space. Adequate open space is available to disperse outdoor activities and noise typical of such use. Some visual buffering is provided through the existing retaining walls and fences on the Property which provides separation of the proposed expanded educational activities from the abutting and confronting properties.

The Day Care Center use will not impair the purposes of the R-60 zoning district and will remain compatible with the surrounding residential properties. Therefore, Planning Staff recommends approval with conditions for up to 18 people/children in total.

FOREST CONSERVATION PLAN LAW

Under Section 22A-4(b), this Project is not subject to Chapter 22A (Forest Conservation) because (1) the application applies to a property of less than 40,000 square feet, (2) the property is not subject to a previously approved Forest Conservation Plan, and (3) the Conditional Use/Special Exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board. The Property contains no forest, streams or their buffers, 100-year floodplains, steep slopes, or known habitats of rare, threatened or endangered species.

SECTION 6: CONCLUSION

The proposed conditional use complies with the findings required for approval of a Day Care Center, as modified by the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 2013 *Glenmont Sector Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner.

ATTACHMENTS

Attachment A: Forest Conservation Plan Statement of Applicability

Attachment B: Letters of Support submitted by the Petitioner

Attachment C: Subdivision Plat

Attachment D: Revised Transportation Statement

Attachment E: Parental Agreements

ACCEPTED & RECOMMENDED FOR APPROVAL BY:



Jason K. Sartori, Planning Director

December 23, 2024

Date

Attachment A



Development Applications and Regulatory Coordination Division

Effective 6/29/2015

M-NCPPC

8787 Georgia Avenue, Silver Spring, MD 20910

301-495-4550, fax: 301-495-1306

APPLICATION

Forest Conservation Law Applicability for Conditional Uses/Special Exceptions

Property Information

2801 Randolph Road

Silver Spring, MD 20902

Address Glenmont Village	5	18	16	City		
Subdivision Name 012553464	Plat(s)	Lot(s)	Block(s)	Tax Map	Parcel(s)	
Property Tax ID 1	Property Tax ID 2	Property Tax ID 3	Property Tax ID 4			

Applicant (Owner, Contract Purchaser, or Owner's Representative)

Teresita C. Hernandez

Name 2801 Randolph Road	Company	
Street Address Silver Spring	Maryland	20902
City (240) 704-2265	terres25@yahoo.com	State Zip Code
Phone Number	Email Address	

Total Area of Property: _____ acres 10.824 square feet

Applicant attests that the following statements apply to the subject property conditional use/special exception application:

The application does not propose any clearing or grading activities on or near the conditional use/special exception site. *(Requires plan number and M-NCPPC signature below)*

OR, all of the following:

- The application applies to a property of less than 40,000 square feet. *(Not subject to Forest Conservation Law; requires M-NCPPC signature below)*
- The property is not subject to a previously approved Forest Conservation Plan.
- The conditional use/special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

PLEASE NOTE: If regulated activities occur on the property other than what is being attested to, the exemption immediately terminates without action by the Planning Board. The Planning Director may require the submission and approval of a Natural Resources Inventory/Forest Stand Delineation and a Forest Conservation Plan, and may also issue a fine of up to \$1,000 per day.

Teresita C. Hernandez 04/23/2024
 Applicant's Signature Date

Teresita C. Hernandez
Printed Name

For Staff Use Only

M-NCPPC acknowledges that the conditional use/special exception for the above property:

- is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.
- is exempt from the Forest Conservation Plan requirements under Section 22A-5(q)(1) of the Forest Conservation Law.

Neil Braunstein 12/19/24
 M-NCPPC Signature Date

Neil Braunstein
 Printed Name

Attachment B

2-22-2024

To whom it may concern

I have two sons that goes to Mrs Teresita Hernandez. I know that she is expanding her daycare. I Love how Mrs Hernandez and her staff treat and take care of the kids with love and compassionate.

If you have any question
Free feel to call me at 301-605-2875

Sincerely

Jacqueline Padilla

We can't speak highly enough of Growing Angels and the staff there. Our two-year-old son is treated with such love and kindness, and has a wonderful time; in return, he loves the staff and can't wait to tell us about the fun he has with them and his friends. He even asks to go when he wakes up on weekends! When we found out we were expecting another child, Teresita was one of the first people we told, lest we miss out on a spot for the future little one at her daycare! If you're considering Growing Angels, we recommend it strongly. Just be prepared to envy your kid's lunches when you get pictures of them eating!

Jeremy and Jessica

Subject Client Testimonial
From Kel McClanahan
<kellybmcc@gmail.com>
To: <terres25@yahoo.com>
Date Yesterday at 10:45 AM

To Whom It May Concern:

My family has happily sent both of our daughters to Growing Angels, and they are both much better people for it. Our oldest daughter Saoirse started attending at 18 months and stayed there until she was 5, and her baby sister Felton joined her when she was a little less than 6 months old and will be leaving this year after she turns 4. Saoirse, now 7, still asks to go visit with the wonderful women who work there, and we are sure that we will continue to visit them occasionally even after Felton has started school.

All of the women at Growing Angels are top notch caregivers, and our girls did not just learn there; they thrived. Every day Felton comes home and cannot wait to show us what she did that day, and we think of everyone there as family. We would gladly recommend Growing Angels to any parents, and we enthusiastically endorse their efforts to expand their operation.

If you have any questions about this testimonial, please do not hesitate to email me or call me at [301-728-5908](tel:301-728-5908).

Kel McClanahan

February 27, 2024

10722 Horde Street

Silver Spring, MD 20902

To whom it may concern:

We are writing in support of the expansion of Growing Angels Daycare, LLC. We have had our three-year-old daughter, Olivia, enrolled in daycare at Growing Angels since she was nine months old, and recently enrolled our son, Wesley, in January. What we liked when we first visited was the loving atmosphere with lots of toys and activities, including an outdoor, fenced-in playground, as well as the fact that the children at Growing Angels often start as babies and don't leave until it's time for them to start school. That longevity says a lot about the level of care the children receive from Teresita and her staff. There is also low staff turnover at Growing Angels, which shows that the staff enjoy working there and makes us more at ease as parents entrusting others with the care of our children.

Teresita and her staff love our children as if they were their own and genuinely care about their well-being and development. Growing Angels isn't just a place for the children to play all day – our daughter can already count, sing the ABC's, recognize letters, write her name, and can communicate in both Spanish and English. We feel confident dropping them off each morning knowing that they will be loved, nurtured, and safe, and we are excited that Teresita has the opportunity to care for even more children in our community.

Sincerely,


Sarah Eldredge and Kyle Shong

Attachment C PLAT No. 2443

ENGINEER'S CERTIFICATE

OWNER'S DEDICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of part of the land conveyed by Victor Holding Company Incorporated, to Glenmont Village, Incorporated, by deed dated January 27, 1949 and recorded among the Land Records of Montgomery County, Maryland in Liber 1226 at Folio 197, that it is also part of the land conveyed by Glenmont Forest, Inc., to Glenmont Village, Inc., by deed dated Dec. 29, 1949, and recorded among the said Land Records in Liber Folio

We, Glenmont Village, Inc., a Maryland Corporation by Earl J. Preston, President and Beth P. Stratton, Secretary, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, except as shown hereon, and dedicate the streets and path to public use.

December 29, 1949

GLENMONT VILLAGE, INC.

ATTEST:

Beth P. Stratton
Beth P. Stratton, Secretary

Earl J. Preston
Earl J. Preston, President

We assent to this plan of subdivision.

December 29, 1949

H. Milton Williams
Witness

E. M. Bros
E. M. Bros, Trustee

H. Milton Williams
Witness

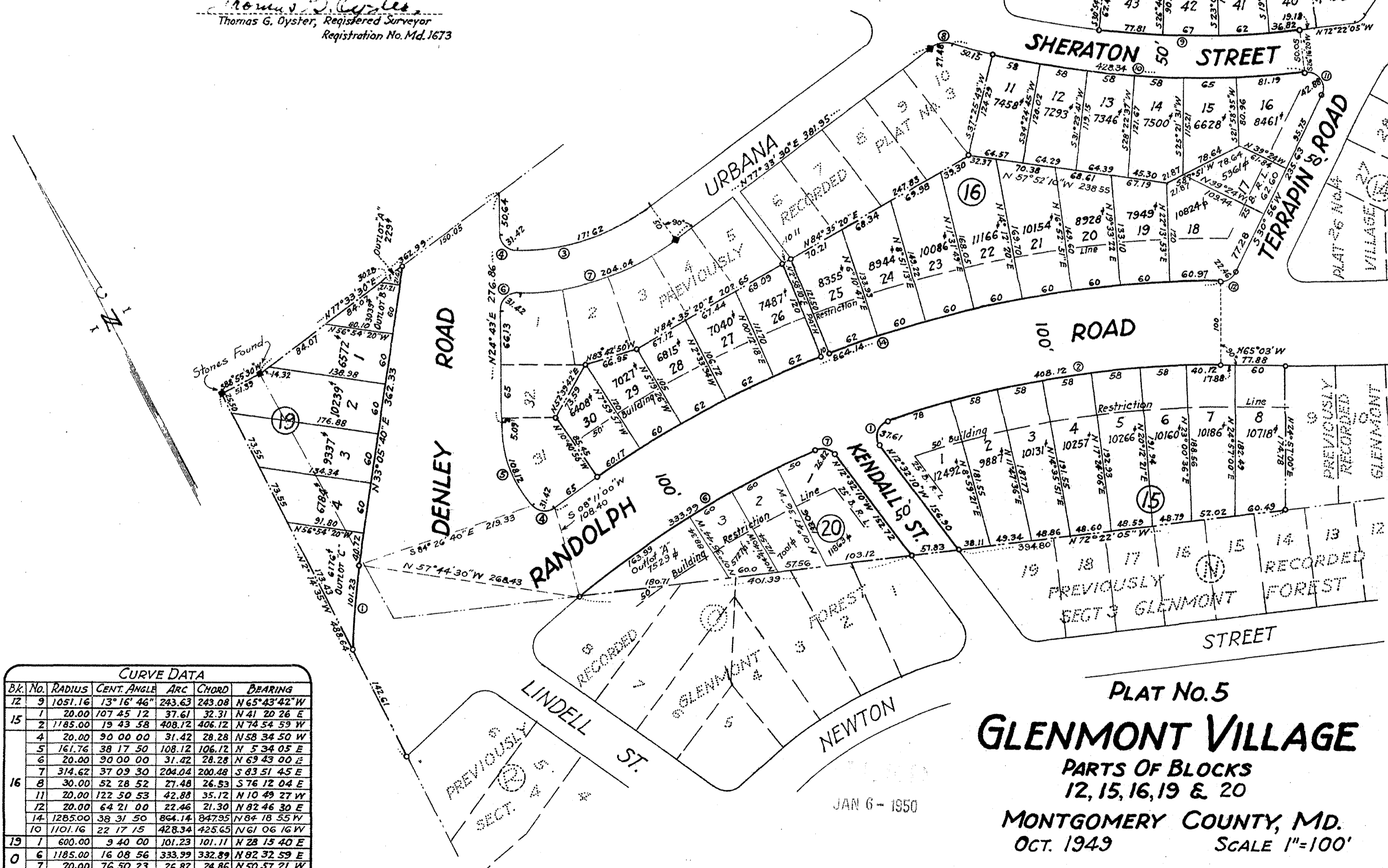
Howard Larcombe
Howard Larcombe, Trustee

That stones shown thus \blacklozenge and iron pipe shown thus \circ are in place where indicated.

October 18, 1949

Thomas G. Oyster
Thomas G. Oyster, Registered Surveyor
Registration No. Md. 1673

WASHINGTON SUBURBAN SANITARY COMMISSION
APPROVED: DEC 21, 1949
SUITABLE FOR WATER AND SEWER DESIGN
WITHOUT COMMITMENT AS TO INSTALLATION
Harry M. Hall
CHIEF ENGINEER



CURVE DATA				
Bk. No.	RADIUS	CENT. ANGLE	ARC	BEARING
12	1051.16	13° 16' 46"	243.63	243.08 N 65° 43' 42" W
15	1	20.00	107 45 12	37.61 N 41° 20' 26" E
	2	1785.00	19 43 58	408.72 N 74° 54' 59" W
	4	20.00	90 00 00	31.42 N 58° 34' 50" W
	5	161.76	38 17 50	108.12 N 5° 34' 05" E
	6	20.00	90 00 00	31.42 N 69° 43' 00" E
16	7	314.62	37 09 30	204.04 S 83° 51' 45" E
	8	30.00	52 28 52	27.48 S 76° 12' 04" E
	11	20.00	122 50 53	42.88 N 10° 49' 27" W
	12	20.00	64 21 00	22.46 N 82° 46' 30" E
	14	1285.00	38 31 50	864.14 N 84° 18' 55" W
	10	1101.16	22 17 15	428.34 N 61° 06' 16" W
19	1	600.00	9 40 00	101.23 N 28° 15' 40" E
0	6	1185.00	16 08 56	333.99 N 82° 32' 59" E
	7	20.00	76 50 23	26.82 N 50° 57' 21" W

PLAT No. 5
GLENMONT VILLAGE
PARTS OF BLOCKS
12, 15, 16, 19 & 20
MONTGOMERY COUNTY, MD.
OCT. 1949 SCALE 1"=100'

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
APPROVED: DECEMBER 15, 1949
Sandra J. Main Chairman
John F. Nicholas Secretary-Treasurer
M.N.C.P. & P.C. RECORD FILE No. 131-43

THOMAS G. OYSTER & ASSOCIATES
WHEATON TRIANGLE
SILVER SPRING, MD.

MONTGOMERY COUNTY CIRCUIT COURT (Subdivision Plats, MO) Plat 2443, MSA_s1249_010254. Date available 1950/01/06. Printed 12/17/2024.

Maryland State Archives

Attachment D

GROWING ANGELS DAYCARE, LLC
By Teresita Hernandez

In Re: Revised Transportation Statement

Morning Peak Period Drop-Off and Staff Arrivals (6:30 am —9:30 am)		
Time	Number of Children	Number of <u>Non-Resident</u> Staff
6:30-6:45 am		A Director
6:45-7:00 am	2	1
7:00-7:15 am	1	
7:15-7:30 am	2	1
7:30-7:45 am	1	
7:45-8:00 am	3	2
8:00-8:15 am	1	
8:15-8:30 am	3	
8:30-8:45 am	1	
8:45-9:00 am	1	
9:00-9:15 am	2	
9:15-9:30 am	1	
Total	18	4 staff + a director

GROWING ANGELS DAYCARE, LLC
By Teresita Hernandez

Evening Peak Period Pick-Up and Staff Departures (4:00 pm —7:00 pm)		
Time	Number of Children	Number of <u>Non-Resident</u> Staff
4:00-4:15 pm	2	
4:15-4:30 pm		
4:30-4:45 pm	2	
4:45-5:00 pm		
5:00-5:15 pm	3	1
5:15-5:30 pm	2	
5:30-5:45 pm	2	
5:45-6:00 pm	2	
6:00-6:15 pm	1	2
6:15-6:30 pm	1	
6:30-6:45 pm	2	1 staff + Director
6:45-7:00 pm	1	
Total	18	4 + Director

Attachment E

Growing Angels Daycare, LLC Parental Agreement

Dear Parents,

We at Growing Angels Daycare, LLC, are committed to providing a safe, nurturing, and well-organized environment for your children. To maintain a smooth and secure drop-off and pick-up process, we have established the following guidelines that must be adhered to by all parents or guardians.

1. Designated Drop-off and Pick-up Location:

- To arrive at the daycare located at 2801 Randolph Road, Silver Spring, MD 20902, parents must approach the daycare by coming from Sheraton Street to Terrapin Road.
- Under no circumstances should the drop-off or pick-up occur directly on Randolph Road.

2. Call Ahead Protocol:

- Parents must call the daycare prior to arrival for both drop-off and pick-up. This allows our staff to prepare and ensure a smooth transition for your child.
- This call-ahead protocol is **only enforced during the hours specified in Section 3.**
- Upon your call, one of our staff members will meet you outside to either welcome your child into the daycare or bring them to you when you arrive for pick-up.

3. Call Ahead Protocol Hours:

- Morning drop-off hours are between 7:00 AM and 11:00 AM.
- Afternoon pick-up hours are between 3:30 PM and ~~6:30 PM~~ **6:00 PM**.
- Please ensure that you adhere to these time frames for the benefit of all children and staff.

4. Acknowledgment and Agreement:

By signing below, you acknowledge that you have read, understood, and agree to comply with the above guidelines. This agreement is a requirement for your child's continued enrollment at Growing Angels Daycare, LLC.

We appreciate your cooperation in helping us maintain a safe and organized environment for all children in our care.

Thank you for your understanding and support.

Sincerely,



Teresita Hernandez
Growing Angels Daycare, LLC