



LAND USE REPORT

May 6, 2024

Little Steps, LLC (the "Petitioner"), in conjunction with its agent Prospera-U.S., Inc., submits this Land Use Report in connection with a Conditional Use application pursuant to Section 7.3.1 of the Montgomery County Zoning Ordinance (the "Zoning Ordinance") to establish a Primrose early childcare center (the "Center"), qualifying under the zoning use category for a Day Care Center (Over 30 persons), on the property located at 16650 Georgia Avenue in Olney, Maryland (the "Property").

I. BACKGROUND:

Primrose Schools is a national provider of early childhood education for children 6 months to 9 years of age. Primrose is currently operating 501 locations in 34 states and the District of Columbia. Primrose has been in operation for over 40 years and has been based in the greater Atlanta market since inception. Primrose daycare and programs offer curriculum-based education developed by leading authorities in the early childhood education space. This proposed Primrose location will have a maximum enrollment of 165 students with a maximum anticipated staff of 32.

II. PROPERTY & SURROUNDINGS:

A. Property Location, Characteristics, and Existing Conditions

The Property is located at 16650 Georgia Avenue, along the Georgia Avenue access road, approximately 200 feet south of its intersection with Emory Church Road in Olney, Maryland. The property is shown on Tax Map HS53, Parcel 110 and totals approximately 92,200 square feet (2.117 acres). The site is zoned R-200 and is bounded by the Brooke Manor Farms subdivision to the north, west, and south and the Georgia Avenue right-of-way to the east. In addition, the Hyatt-Jones House (#23/107-001A), which is designated as a historic resource in the Master Plan for Historic Preservation in Montgomery County, abuts the southeast corner of the Property. The parcels directly to the north and west of the site are open space parcels. In addition, an 80' wide Pepco right-of-way overlaps the open space parcel to the north. Three single-family detached, residential lots that are part of the Brooke Manor Farms subdivision, adjoin the southern property line.

The site is currently improved with multiple buildings and accessory sheds as well as a gravel parking lot. The site is accessed via two asphalt driveway entrances from the access road within the Georgia Avenue right-of-way. Several existing buildings and structures on site are subject to a non-conforming use certificate for a rural antique shop, #238733. The existing improvements are generally located within the northeastern two-thirds of the site. Portions of these improvements – specifically, two (2) accessory sheds and wooden platform structures – encroach onto the adjacent open space parcel/Pepco right-of-way to the north. The remainder of the Property is mostly lawn with areas of individual trees.

The site is generally flat and slopes away from Georgia Avenue to the west. There are no steep slopes on the Property. Based on the best available information, the site is located in water service category 1 – Existing Service and is served by public water via a 16" public water main located in

the Georgia Avenue access road. The site is located in sewer service category 3 – Public Service Approved, Needs Extension and is currently served by a private on-site septic system.

A Simplified Natural Resources Inventory/Forest Stand Delineation (SNRI/SFSD) for the Property was approved by M-NCPPC on January 2, 2024. The SNRI/SFSD shows that there are offsite wetlands and streams that project a stream/wetland buffer onto the northern and western edges of the property. The approved SNRI/SFSD shows a total of 0.09 acres of existing forested area along the western edge of the property. However, based on more accurate property boundary information, there is a total of 0.075 acres of forested area within the Property. A portion of the existing forest is located within the stream/wetland buffer. There are 15 significant and/or specimen trees on or in the vicinity of the Property, including three along or near the northern property line, five along or near the western property line, four along the southern property (two of which are located adjacent to the Hyatt-Jones House), and one within the interior of the site, near the existing rural antique shop.

B. Zoning and Permitted Uses

As shown on the certified zoning map, Exhibit A, the Property is currently zoned R-200 (Residential-200). Per Section 3.1.6 of the Zoning Ordinance, a Day Care Center (Over 30 Persons) is permitted as a Conditional Use within the R-200 Zone, subject to the requirements contained in Section 59-3.4.4.E of the Zoning Ordinance. Little Steps, LLC is submitting a request for approval of a Conditional Use to establish a Day Care Center (Over 30 Persons) that will have a maximum enrollment of 165 children.

C. Surrounding Zoning and Land Uses

The surrounding neighborhood for the Property includes the Brooke Manor Farms residential subdivision to the north, west and south; the Hyatt-Jones House to the southeast; and a commercial strip center to the far north. Exhibit B depicts the surrounding neighborhood.

The Property is directly adjacent on three sides (north, west, and south) to the Brooke Manor Farms residential subdivision which is similarly zoned R-200 and consists of a mix of single-family detached properties, townhouse properties, and open space parcels. The parcels directly to the north and west are open space parcels, Parcels D & A, respectively, that are owned by the Victoria Manor Homeowners Association and, as such, are restricted from development. In addition, an 80' wide Pepco right-of-way overlaps the open space to the north, Parcel D, which further restricts development on that parcel. The properties directly to the south, which are also part of the Brooke Manor Farms residential subdivision, are zoned R-200, and are improved with single-family detached residences. The Hyatt-Jones House (#23/107-001A), which is designated as a historic resource in the Master Plan for Historic Preservation in Montgomery County, abuts the southeast corner of the Property, is zoned R-200, and is improved with a single-family detached residence. While the Hyatt-Jones House is designated as a historic resource in the Montgomery County Master Plan for Historic Preservation, the Maryland Historic Trust determined that the house was not eligible for the National Register of Historic Places. Approximately 450 feet to the north of the site is a retail strip center that contains a mix of local services such as a bank, coffee shop, and salon, to name a few. The retail strip center is zoned NR-0.75 H-45 (Neighborhood Retail with a 0.75 maximum allowable floor area ratio and a maximum allowable building height of 45 feet).

The Property is bounded by the Georgia Avenue right-of-way to the east. Along the Property's frontage, the Georgia Avenue right-of-way ranges from approximately 192 to 204 feet wide and

contains 2-4 northbound lanes, an open section grass median, 2-3 southbound lanes, a second open section grass median, and a two-lane access road. Due to the excessive width of the Georgia Avenue right-of-way, and the resulting barrier it creates, the properties on the east side of Georgia Avenue are not included in the Property's surrounding neighborhood. Because of the predominance of single-family residential properties within the surrounding neighborhood and the minimal retail properties, the character of the surrounding neighborhood is suburban residential.

III. CONDITIONAL USE

Little Steps, LLC proposes to develop a 12,000 square foot Primrose day care center with a maximum enrollment of 165 children on the western portion of the Property, in accordance with the Conditional Use requirements for a Day Care Center (Over 30 Persons) outlined in Section 59-3.4.4.E of the Zoning Ordinance. In order to facilitate development of the Center, Little Steps is proposing to raze two (2) of the existing buildings as well as all of the existing sheds on the Property and a portion of the existing gravel parking lot. The existing rural antique shop building adjacent to Georgia Avenue, along with the associated outbuilding directly to its west, will remain.

A. Proposed Site Design, Parking & Circulation

The proposed development will remove two (2) of the existing buildings, as well as all the existing accessory sheds on the property (including two (2) sheds that partially encroach onto the adjacent parcel to the north). The existing antique shop and associated outbuilding, totaling 10,552 square feet will be retained along with portions of the gravel parking areas to the north and south of the rural antique building. The western portion of the site will then be improved with a 12,000 square foot Primrose day care center with a 6,679 square foot outdoor play area and a new asphalt parking lot with 28 passenger vehicle parking spaces. In addition, 18 existing gravel parking spaces will be retained for a total of 46 passenger vehicle parking spaces.

The location of the two (2) existing asphalt access points into the site from the Georgia Avenue access road will be retained but will be improved to meet current fire apparatus access requirements. Visitors to the property can enter the site from either access point and circulate around the rear of the existing antique shop to the day care parking lot. A second parking lot loop is proposed to facilitate access to the day care. In addition to standard parking spaces, the parking lot will contain two (2) van-accessible handicapped parking spaces. Outdoor, secure, long-term bike parking for three (3) bicycles will also be provided on the Property.

The Zoning Ordinance provides base parking ratios that apply to independent land uses. Pursuant to these independent base parking ratios, the existing antique shop use to remain is subject to the general retail requirement of 5 spaces per 1,000 square feet for 10,552 square feet of retail uses and the proposed day care use is subject to the Day Care Center – Over 30 Persons requirement of 3 spaces per 1,000 square feet for 12,000 square feet of day care use. However, for developments featuring two or more land uses, the Zoning Ordinance allows minimum parking requirements to be established pursuant to a shared parking analysis. Based on a shared parking analysis prepared by Lenhart Traffic Consultants in April 2024, it was determined that a minimum of 46 parking spaces should be sufficient for the proposed development. This determination was based on a survey of the existing parking needs of the antique shop, analysis of historical parking data for existing Primrose daycare centers, and evaluation of the peak parking times for both uses. This shared parking arrangement is in

conformance with Section 59-6.2.3.1.3.b of the Zoning Ordinance. A loading space is not required for daily operations of the day care and, thus, a loading space is not proposed.

Visitors dropping off children to the day care center will be required to park their vehicle and accompany their children into the day care center to ensure safe discharge. Visitors will also be required to park their vehicles and pick-up children at the day care. As demonstrated at existing Primrose day care centers of similar size and maximum capacity, peak drop-off and pick-up traffic occurs over extended times such that there is more than adequate parking to accommodate drop-off and pick-up of children. A trash and recycling enclosure is provided within the parking lot which will serve the day care center. It is located convenient to the front door, along the major vehicular circulation route through the site.

The parking lot has been designed to accommodate fire department access. Fire Department vehicles would access the Property via the existing northern access point along the Georgia Avenue access road. Fire Department vehicles will be able to circulate around the existing antique shop buildings, along the main vehicular circulation route through the site, and onto the southern leg of the secondary vehicular circulation loop, directly along the front facade of the proposed day care facility. Fire department vehicles parked along the front façade of the day care facility would be expected to back up onto the main vehicular circulation route within the site, in order to continue on to exit the Property via the southern access point along the Georgia Avenue access road.

A 5' wide accessible sidewalk will be provided onsite that will begin at the northeast corner of the site, within the Georgia Avenue right-of-way, and traverse through the parking lot to the main entrance to the day care center. This sidewalk will provide access to the day care center for offsite and onsite visitors.

A free-standing sign for the day care is proposed along the Georgia Avenue frontage. The exact location and dimensions are yet to be determined but will meet the requirements of the Sign Review Board.

B. Architectural Design

The exterior building design consists of a flat roof building, with board and batten siding, an entry tower with a standing seam metal roof, stone base and board and batten siding. Standing seam metal awnings punctuate the entry doors, as well as the classroom exit doors and windows. The exterior design concept is intended to blend the feel of nearby residential neighborhoods with the commercial and rural look of the nearby business.

C. Landscape and Recreational Amenities

The Property will be landscaped in accordance with the requirements outlined in the Zoning Ordinance. Landscaping will include perimeter property line screening, perimeter parking lot screening, and internal parking lot landscaping. Fencing will be used in conjunction with plant materials to provide for layered screening from the adjacent residential uses. A 6,679 square foot outdoor play area is proposed to provide outdoor play areas for the various age groups that will be served in the day care center. These areas will be improved with playground equipment selected by the day care facility operator. These areas will not be accessible to the general public. Exterior lighting will be provided for the parking areas and will be designed to provide the minimum amount of lighting necessary to ensure safety.

Exterior lighting has been designed to minimize light exposure onto adjacent residentially used properties.

IV. PROPOSED OPERATIONS

As part of the Primrose childcare operations, children will be dropped off in the morning and picked up in the afternoon during weekdays. Morning drop off times range from 6-9 AM, with peak hour occurring from 7:30-8:30 AM. Afternoon drop off times range from 3-6:30 PM, with peak hour occurring from 4:30-5:30 PM. All parents are required to park their car and walk their child into the school and sign them into their particular classroom during morning drop off. The same process applies to the picking up of children in the afternoon.

The daycare will operate five (5) days a week from 6:30 AM to 6:30 PM. The daycare will not be open on weekends. The school will have age appropriate play equipment to support the program on the building exterior, all meeting or exceeding the licensing standards for the State of Maryland. Food will be provided for the children utilizing a warming pantry and designated certified cook following specially designed menus prepared by childhood nutritional experts.

Children will utilize their respective age appropriate play areas in maximum groups of 20, but typically less. Designated play times are staggered during the day. At no time will there be more than 40 children in the play areas. All play areas are fenced for security and buffered along the exterior with landscaping to reduce noise. The building will be licensed under the State of Maryland childcare regulations and will offer a state of the art learning environment for the children attending.

V. MASTER PLAN RECOMMENDATIONS

The Property is located within the boundaries of the 2005 *Olney Master Plan* (the "Master Plan"). Specifically, the Property is located within the Master Plan's identified "Southern Olney" subarea. As outlined in the Master Plan, the Property is located within the Upper Rock Creek watershed and is within an area of "excellent" stream quality and Special Level watershed protection area.

The Master Plan does not include any site-specific recommendations for the Property, but generally focuses on improving the land-use patterns present at the time "through infill development, preserving open space, and upgrading existing facilities" (page 3). The Master Plan prioritizes maintaining the quality of life for existing residents by protecting existing communities from potential negative impacts of future growth and protecting environmental areas such as forested areas, wetlands, and streams (page 12). The plan suggests that all retail growth outside of the Town Center should be oriented towards local services and employment (page 41).

The Property is located along Georgia Avenue between Norbeck Road and the Olney Town Center. The Master Plan recommends that the residential character of this segment of Georgia Avenue be protected as a green corridor and gateway to Olney (page 41). It is further recommended that, in order to maintain the open, semi-rural appearance of Georgia Avenue, a minimum 100' setback be provided for any dwelling or structure from the road right-of-way (page 41). The Master Plan also recommends that any future special exceptions (now known as conditional uses) within this area be landscaped such that they are not visible from the road (page 41). Conditional use projects

should be compatible with “adjoining uses in terms of height, size, scale, traffic and visual impact of the structures and parking lots” (page 42). The Master Plan specifically recommends against lighting that produces a halo effect or nightglow. Lastly, the Master Plan recommends providing a shared use path along Georgia Avenue from MD Route 108 to Norbeck Road (SP-29) (page 111).

For the following reasons, the proposed development conforms with the Master Plan:

- The day care use is a civic/institutional use which is keeping with minimizing commercial uses outside of the Town Center.
- The Property has been designed so that the proposed Conditional Use (Day Care with Over 30 Persons) is located towards the rear of the property and is largely screened from view by the existing buildings to remain on site. Additionally, the proposed building exceeds the recommended 100’ setback from Georgia Avenue. These conditions will help retain the existing character of Georgia Avenue and minimize the visual impact of the proposed development on the surrounding community.
- The day care center building will be one-story high which will ensure that its scale is compatible with the surrounding residential uses.
- The proposed parking areas and traffic circulation routes will not be visible from the surrounding residential uses.
- Landscape screening is provided that will further minimize the visual impact of the proposed development.
- Site lighting has been designed to provide the minimal amount of lighting necessary for safety which will minimize light impact to adjacent properties.
- The project utilizes a previously developed site which inherently minimizes impacts to environmentally sensitive areas that could have been present on a green-field site. Importantly, there are no existing environmentally sensitive areas on site.
- The site has been designed to minimize the development footprint and impervious area to the maximum extent possible by utilizing shared parking with the existing antique shop which reduces the total parking requirement for the project. A reduction in parking reduces the amount of impervious surfaces on-site, which provides an environmental benefit.
- The proposed day care use is a local service use that will be a direct benefit to the local community.
- The existing development onsite does not include any stormwater management. The proposed development will include stormwater management facilities which will improve water quality and downstream habitat protection.

VI. ZONING ORDINANCE REQUIREMENTS

As described below, the proposed development will satisfy the applicable standards of the Zoning Ordinance for the proposed Day Care Center (Over 30 Persons) use in the R-200 Zone, including the conditional use standards outlined in Section 59-3 (Use and Use Standards), the development standards outlined in Section 59-4 (Development Standards for Euclidean Zones), and the general development requirements outlined in Section 59-6 (General Development Requirements).

A. Compliance with Standards in Article 59-3 (Use and Use Standards)

The proposed development complies with the Conditional Use standards for a Day Care Center (Over 30 Persons) contained in Section 59-3.4.4.E of the Zoning Ordinance, as outlined below:

- i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Hearing Examiner finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.*

All new proposed parking spaces (28 total spaces) are located behind the 40' front building line. Thirteen (13) of the existing gravel parking spaces to remain are also located behind the 40' front building line. The remaining five (5) spaces are existing spaces located within the 40' front building line and will primarily serve the existing antique shop buildings. Retention of these existing spaces will not be detrimental to the neighborhood or incompatible with surrounding properties since they are part of the existing site improvements. Safe vehicular access to these spaces will be provided along the main vehicular circulation route and sidewalks and crosswalks are proposed to provide a safe pedestrian route from these spaces to the main entrance of the day care building. Accordingly, the parking spaces located between the structure and the street will be safe and will not be detrimental to the neighborhood nor incompatible with the surrounding properties.

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

Visitors dropping off children to the day care center will be required to park their vehicle and accompany their children into the Center to ensure safe drop off and pick up. Accordingly, a drop-off space is not provided. Adequate parking spaces have been provided to allow for drop-off and pick-up of children.

- iii. The Hearing Examiner may limit the number of children outside at any one time.*

Children will utilize their respective age appropriate play areas in maximum groups of 20, but typically less. These play times are staggered during the day. At no time will there be more than 40 children in the play areas. All play areas are fenced for security and buffered along the exterior with landscaping to reduce noise. Pursuant to applicable Maryland licensing requirements, the playground will include a minimum of 75 square feet of useable play space for 50% of the building capacity (min. 6,225 square feet).

- iv. In the RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones, the Day Care Center (Over 30 Persons) must be located on a site containing a minimum of 500 square feet of land area per person. The Hearing Examiner may reduce the area*

requirement to less than 500 square feet, but not less than 250 square feet, per person where it finds that:

- (a) the facility will predominately serve persons of an age range that requires limited outdoor activity space;
- (b) the additional density will not adversely affect adjacent properties;
- and
- (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.

The Property has a total area of 92,200 square feet. Based on a maximum enrollment of 165 children, the Property will contain approximately 558 square feet of land area per person.

- v. *The Hearing Examiner may limit the number of people allowed for overnight care.*

No overnight care is proposed at the Primrose day care center.

- vi. *In the AR zone, this use may be prohibited Section 3.1.5, Transferable Development Rights.*

This requirement is not applicable to the subject Conditional Use application, as the Property is not located in the AR zone.

B. Compliance with Standards in Article 59-4 (Development Standards for Euclidean Zones)

The Property is zoned R-200 (Residential-200). The applicable standards, for the standard method of development, in the R-200 zone are outlined in Section 59-4.4.7.B of the Zoning Ordinance. The Property complies with these development standards as follows:

	REQUIRED/PERMITTED	PROPOSED
Min. Lot Area	20,000 SF	92,200 SF
Min. Lot Width at Front Building Line	100'	239.15'
Min. Lot Width at Front Lot Line	25'	221.06'
Frontage on Street or Open Space	Required*	Frontage on Georgia Avenue
Max. Density (units/acre)	2.18	N/A*
Max. Lot Coverage	25% (23,050 SF)	22% (20,335 SF)
Min. Front Setback	40'	176.14
Min. Side Setback	12'	15.62'/48.98'/115.35'
Min. Sum of Side Setbacks	25'	64.60'/164.33'
Rear Setback	30'	53.32'
Max. Building Height	50'	35.45'

* Although the R-200 zone utilizes a maximum density of 2.18 units per acre, which is not applicable to the proposed day care center use, the total proposed commercial floor area ratio, based on the net tract area is 0.24.

C. Compliance with Standards in Article 59-6 (General Development Requirements)

The Property complies with the general development standards outlined in Section 59-6 of the Zoning Ordinance as follows:

		REQUIRED/PERMITTED	PROPOSED
Div. 6.1 – Site Access		Not Applicable to R-200 zone	
Div. 6.2 – Parking, Queuing & Loading			
	6.2.3.I.3.a Shared Parking	46 spaces*	46 spaces
	6.2.4 Day Care Center – Vehicle Parking Spaces (3 spaces per 1,000 SF of GFA)	36 spaces	N/A – Shared Parking per 6.2.3.I.3.a
	6.2.4 Antique Shop (5 spaces per 1,000 SF of GFA)	53 spaces	N/A – Shared Parking per 6.2.3.I.3.a
	6.2.4 Day Care Center – Bicycle Parking Spaces (1 space per 5,000 SF of GFA (max. of 5 spaces), 85% of which must be provided as long term)	3 spaces, long term	3 spaces, long term
	6.2.5.D.2 – Marking	Each individual parking space must be clearly marked, and directional arrows and traffic signs must be provided for traffic control	Asphalt spaces will be stripped. Gravel spaces will have signs denoting each space.
	6.2.5.E Min. Size of Spaces (Perpendicular)	8.5'x18'	8.5'x18'
	6.2.5.G Min. Drive Aisle (Two-way, Perpendicular Parking) Width	20'	20'
	6.2.5.K.1 Parking Facilities for Conditional Use in Residential Detached Zones - Location	Located to maintain a residential character and a pedestrian friendly street	All of the new parking will be located behind the front building line.
	6.2.5.K.2 Parking Facilities for Conditional Use in Residential Detached Zones – Setbacks	30' Rear 24'/26' Sides	31.98' Rear 12.23'*/26.67' Sides
	6.2.5.M.2.a – Surface Parking in R-200 – Max. 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	30% (27,660 SF) or 320 SF, whichever is greater	(3.3%) 3,035 SF
	6.2.9.C Parking Lot Requirements for 10 or More Spaces:		

	<p>1. Landscape Area – Islands</p> <p>2. Min. Tree Canopy Coverage</p> <p>3. Perimeter Planting (for a property that abuts Residential Detached zoned property that is improved with miscellaneous use (open space))</p>	<p>Min. 100 SF/5% of total parking lot area</p> <p>Max. 20 spaces between islands</p> <p>25%</p> <p>Min. 6’ wide Contain hedge or 3’ min. wall Have a Canopy Tree every 30’ on center</p>	<p>Min. 118 SF/23.5% of total parking lot area</p> <p>Max. 13 spaces between islands</p> <p>25.7%</p> <p>Min. 8’ wide Forest Retention/ Reforestation Areas</p>
Div. 6.3 Open Space & Recreation		Not Applicable for development in Residential Detached Zone (R-200) that does not provide MPDU or Cluster Development	
Div. 6.4 General Landscaping & Outdoor Lighting			
	6.4.4.B.2 Fixture (Luminaire)	Direct light downward and be full or partial cutoff fixture	Light luminaire fixtures will be full or partial cutoff fixtures
	6.4.4.B.2 Fixture Height	15’-30’	20’ high on a 24” base.
	6.4.4.E Conditional Use	Lighting must be directed, shielded, or screened to ensure that the illumination is 0.1 footcandles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone.	Illumination shall not exceed 0.1 footcandles along the southern property line adjacent to the three existing single family detached residential homes.
Div. 6.5 Screening Requirements			
	6.5.3.C.7 Conditional Use in a Residential Detached Zone	Multiple Buffers - See Landscape Plan for requirements	See Landscape Plan for

			provided plantings
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* Per Section 59-6.2.3.1.3.a, an applicant proposing development with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (Second Edition, 2005) instead of using the parking table in Section 6.2.4.B. Per the shared parking analysis submitted with the Conditional Use application, a total of 46 parking spaces is needed for the proposed development.

** The reduced side parking lot setback will require parking waiver. See Section VII – Parking Waiver Requests for additional information.

VII. PARKING WAIVER REQUEST

Little Steps, LLC respectfully requests consideration and approval of relief from Section 6.2.5.K.2 – Parking Facilities for Conditional Use in Residential Detached Zones, pursuant to Section 6.2.10 of the Zoning Ordinance.

The required side parking setback for a conditional use in a residential detached zone is equal to twice the minimum side setback for the detached house. The Property’s building side setback along the northern property line is 12’, therefore, the parking side setback along the northern property line is 24’. However, due to the location of the existing northern entrance into the site, which is impractical to relocate because of (1) the location of the existing antique shop structure and (2) the irregular shape of the Property, strict adherence to the 24’ wide parking lot side setback is not feasible. Due to these constraints, a parking side setback of 12.23’ minimum is proposed at this location.

In order to allow for the deciding body to approve a parking waiver under Section 6.2.10, the proposed alternative must satisfy the intent provisions of Section 6.2.1. (*i.e.*, that the proposed alternative is consistent with the purposes of Division 6.2, to ensure that adequate parking is provided in a safe and efficient manner). In this case, the proposed alternative will accomplish this objective. The property directly to the north of the Property, abutting the northern property line, is an existing open space parcel (Parcel D) that is part of the Brooke Manor Farms subdivision. This open space parcel is subject to an existing 80’ wide Pepco right-of-way. In addition, there is a stream channel and wetland area located within Parcel D that have an associated stream/wetland buffer that encumbers much of Parcel D. Based on these conditions, it is unlikely that future development will occur along or even within the vicinity of the northern property line, adjacent to the proposed parking. Importantly, the existing residential lots to the north are over 160’ away from the northern property line. Additionally, the site has been designed to meet the perimeter planting setback for parking lots with 10 or more spaces that abut a Residential Detached zoned property that is improved with a miscellaneous use (open space Parcel D/80’ Pepco right-of-way). Furthermore, the stream/wetland buffer that projects into the northern portion of the Property will be reforested, in accordance with Montgomery County requirements.

With these characteristics, adequate, safe, and efficient design at this location will be accomplished by providing a variable width (minimum 12.23’) landscape setback (6’ minimum required) which will be reforested in its entirety. The proposed development will provide a more than adequate buffer between the subject parking and the closest adjacent residential home – which the Petitioner fully anticipates being maintained in the future.

VIII. REQUIRED FINDINGS

This Land Use Report confirms that the proposed Conditional Use application will satisfy the required findings for Conditional Use approval outlined in Section 7.3.1.E of the Zoning Ordinance, as described below:

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

Although we understand that the existing improvements on the Property originated with an approval from the Montgomery County Board of Appeals for an “antique shop” special exception use in 1954 (Case No. 235), we also understand that changes in applicable Zoning Ordinance provisions later occurred that rendered the existing improvements and uses non-conforming. Thus, the Property currently is not subject to any applicable previous approvals. Although technically not a development approval, a Non-Conforming Use Certification (#238733) applies to the existing antique shop use on site. The Department of Permitting Services (“DPS”) approved the Non-Conforming Use Certification for the existing antique shop use on August 25, 2005.

As explained herein, the two (2) existing antique shop buildings and the existing associated 18 gravel parking spaces are to remain. The proposed Conditional Use does not alter the existing antique shop use. Accordingly, the Conditional Use will have no impact any applicable prior approvals nor the existing Non-Conforming Use Certification.

- 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](#);*

As detailed in Section VI of this Report, the proposed Conditional Use complies with the applicable requirements of the R-200 Zone, including the conditional use standards for a Day Care Center (Over 30 Persons) as outlined in Section 59.3.4.4.F of the Zoning Ordinance as well as the requirements of Section 59-6 of the Zoning Ordinance.

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

As detailed in Section V of this Report, the proposed Conditional Use substantially conforms with the recommendations of the Master Plan.

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

The surrounding neighborhood is largely residential with the exception of the Property itself, which is developed with multiple retail structures associated with the antique shop, and a small strip shopping center located to the north of the Property. The proposed day care center use is harmonious with the existing antique shop use that is to remain on the Property. Moreover, the day care center use is harmonious with the surrounding residential uses because day care centers are a local service use and will directly serve the surrounding community. Additionally, due to the strategic siting of the proposed day care center building behind the existing antique shop buildings, the visual impact to the surrounding neighborhood is de minimis. Lastly, landscaping,

forest retention, specimen tree retention, and reforestation will be utilized to further screen the day care center from the surrounding properties.

- 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;*

Despite the proposed Day Care Center (Over 30 Person) being a conditional use, the impact to the predominantly residential nature of the surrounding community will be minimal. The proposed day care center will be located behind the existing antique shop buildings which will largely screen the day care center building from view from the Property's frontage along Georgia Avenue. In addition, landscaping, forest retention, specimen tree retention, and reforestation will be utilized to further screen the day care center from the Property frontage as well as the surrounding properties. Furthermore, the day care use is a local service use that will predominantly serve existing residents within the community and complement the predominantly residential nature of the surrounding area. Lastly, as outlined in Section V, the proposed development substantially conforms with the Master Plan and does not alter the nature of the area.

- 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*

Since the Property is not currently shown on a record plat, the Petitioner will submit a Preliminary Plan of Subdivision for the Property concurrent with or subsequent to approval of the Conditional Use application for the Property. As such, the Planning Board will make the final determination of Adequate Public Facilities as part of the Preliminary Plan of Subdivision application.

As outlined below, there are adequate public facilities to support the proposed development. Little Steps, LLC is submitting a Local Area Transportation Review ("LATR") prepared by Lenhart Traffic Consulting, Inc. in April 2024 for the Property which addresses the proposed development's impact on traffic. The Property is located in the Olney Policy Area and is identified as a Yellow

Policy Area per the 2020-2024 Growth and Infrastructure Policy (“GIP”). In accordance with the GIP, the following adequacy tests were assessed for the site: Motor Vehicle System, Pedestrian System, Bicycle System, and Bus Transit System. Little Steps, LLC is proposing to retain a total of 10,552 square feet of existing antique shop buildings and construct a 12,000 square foot day care center serving a maximum of 180 students. While the day care center will have a maximum enrollment of 165 students, the analysis of 180 students for transportation analysis purposes provides a conservative estimation of the impacts of the proposed development. Together, the proposed uses on the Property will generate an additional 50 peak hour trips and therefore, are subject to the LATR system adequacy tests. Based on the LATR Proportionality Guide Rates and Adjustment Factors, a maximum cost of improvements of \$4,752.00 should be established for this development. Below are the results of the adequacy tests:

- Motor Vehicle System analyses demonstrate that the development meets the adequacy requirements of the Olney Policy Area.
- Pedestrian System analyses show that adequacy can be met through offsite pedestrian system improvements to a maximum cost of \$4,752.00.
- Bicycle System analyses show that the bicycle system adequacy test should be considered met with the construction of the sidepath within the 400-foot walkshed of the site. With the limitations of the maximum cost improvements for this development, it is unlikely that any significant portion of the sidepath can be constructed. Therefore, it is recommended that the improvement budget be utilized for the recommended improvements to the pedestrian system.
- Bus Transit System analyses show that two bus stops must be upgraded to provide adequate accommodations for bus patrons. However, it is unlikely that the bus shelters can be improved within the constraint of the proportionality guide. Therefore, it is recommended that the improvement budget be utilized for the recommended improvements to the pedestrian system.

There are no proposed residential uses with the development, therefore there will be no impact on local schools.

Emergency services are currently provided to the site and will continue to be provided to the site following the addition of the proposed day care center. The Property is located within the 4th police district (Wheaton) and the closest police station serving the Property is located at 2300 Randolph Road, Wheaton, MD 20902. The Property is located within the 4th Fire and Rescue district and is served by the Sandy Spring Volunteer Fire Station (Station #40) located at 16911 Georgia Avenue, Olney, MD 20832.

The Property is located in Washington Suburban Sanitary Commission (“WSSC”) water service category 1 – Existing Service and is served by a ¾” water meter and 1” water house connection off of a 16” public water main located in the Georgia Avenue access road. The existing service is proposed to be abandoned/removed and replaced with a new water meter and an 8” private water service line which will provide service to the existing buildings to remain, as well as the proposed day care center. The site is located in WSSC sewer service category 3 – Public Service Approved, Needs Extension, and is currently served by a private septic system. The existing private

septic on site is proposed to be abandoned/removed and the site will be connected to public sewer. There are four (4) existing sewer manholes with 8" sewer main systems that are located within 200'-350' of the Property. Based on the best available information, only one of the manholes are deep enough to provide service to the Property via a gravity system. However, sewer service from this manhole would have to be extended through the adjacent Parcel A which is currently wooded and encumbered with wetlands and wetland buffers. Sewer extension via this route would result in extensive environmental impacts. Therefore, service to the site is proposed to be provided via a 1.5" public force main that will be installed within Georgia Avenue access road to a gravity manhole located at the intersection of Tavenner Court and Georgia Avenue access road to a proposed grinder pump on site. From the extended public sewer service, an 8" private sewer main on site will provide service to the day care center. A 4" private sewer house connection is proposed to serve the existing antique buildings to remain.

Electric and telecommunications services exist at the site currently and will be extended to the day care center.

- 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, visitors, or employees.*

Based on a previous Hearing Examiner Report for Samina Ali Zai for the Smart-Ed Early Learning Center located at 11624 and 11628 Lockwood Drive in Silver Spring, Maryland (Case No. CU 15-08), three inherent effects were identified as being associated with a Day Care Center (over 30 persons). These inherent effects include: (i) vehicular trips to and from the site; (ii) drop-off and pick-up areas; and (iii) noise generated by children in the outdoor play areas. This Land Use Report finds each of these inherent effects of the Conditional Use will be acceptable and appropriate for the proposed location:

- Vehicular Trips to and From the Site: The LATR prepared by Lenhart Traffic demonstrate that the Property will be served by adequate transportation facilities.
- Drop-off and Pick-up Areas: Visitors dropping off or picking up children to the day care center will be required to park their vehicle and accompany their children into the center. As demonstrated at existing Primrose day care centers of similar size and capacity, peak drop-off and pick-up traffic occurs over extended times such that there is more than adequate parking to accommodate drop-off and pick-up of children. In addition, the site has been designed with two main circulation loops that will facilitate the ease of circulation through the site.
- Noise Generated by Children in the Outdoor Play Areas: The play area will be enclosed with a 6' screen fence that will buffer any noise from children within the play area. Children will utilize the play areas in groups no large than 20, but typically less. These play times are staggered during the day. At no time will there be more than 40 children in the

play areas. All play areas are fenced for security and buffered along the exterior with landscaping to reduce noise.

There are no additional inherent effects associated with a day care center for more than 30 persons that are anticipated with this development. Therefore, the proposed development will not result in adverse effects in excess of the above described inherent effects.

In addition, there are no non-inherent adverse effects anticipated with the proposed development of a day care center for over 30 persons on the Property. The proposed Conditional Use will, therefore, not restrict nor infringe upon the use, peaceful enjoyment, economic value, or development potential of abutting and confronting properties or the general neighborhood. It will not cause significant and/or unmitigated traffic, noise, odors, dust, illumination, or lack of parking. Lastly, it will not negatively impact the health, safety, or welfare of neighboring residents, visitors, or employees. Therefore, the proposed Conditional Use will not cause undue harm to the neighborhood.

IX. ENVIRONMENTAL

The site is currently improved with multiple buildings and accessory sheds as well as a gravel parking lot. The remainder of the site is mostly lawn with areas of individual trees. A Simplified Natural Resources Inventory/Forest Stand Delineation (“SNRI/SFSD”) for the Property was approved by M-NCPPC on January 2, 2024. The SNRI/SFSD shows that there are offsite wetlands and streams that project a stream/wetland buffer onto the northern and western edges of the property. The approved SNRI/SFSD shows a total of 0.09 acres of existing forested area along the western edge of the Property. However, based on more accurate property boundary information, there is a total of 0.075 acres of forested area within the Property. A portion of the existing forest is located within the stream/wetland buffer. There are 15 significant and/or specimen trees on or in the vicinity of the Property, including three along or near the northern property line, five along or near the western property line, four along the southern property, two of which are located adjacent to the Hyatt-Jones House, and one within the interior of the site, near the existing rural antique shop.

Six (6) of the significant and/or specimen trees are proposed to be removed. All six (6) of these trees are located within the Property in areas where required features are proposed including fire access route, parking, stormwater management, day care center, and outdoor play area. All off-site significant and/or specimen trees and on-site significant and/or specimen trees located within forested areas have been retained. In addition, priority was given to save the existing significant and/or specimen along the southern property line, closest to the adjacent residences. An initial Forest Conservation Plan application to MNCPPC was made on April 24, 2024. The Forest Conservation plan shows retention of all on-site forest within the stream/wetland buffer and reforestation within the stream/wetland buffer areas on-site that are currently unforested. The remaining afforestation and reforestation requirements are proposed to be addressed through either an off-site forest mitigation bank and/or payment of a fee-in-lieu.

This Property was selected, in part, because it has already been developed and much of the necessary infrastructure to develop the proposed day care center exists on or in the vicinity of the site. By utilizing a previously developed site, the proposed development inherently minimizes impacts to environmentally sensitive areas that could have been present on a green-field location.

Additionally, steps have been taken to minimize the development footprint to the maximum extent possible.

The Zoning Ordinance provides base parking ratios that apply to independent land uses. Pursuant to these independent base parking ratios, the existing antique shop use to remain is subject to the general retail requirement of 5 spaces per 1,000 square feet for 10,552 square feet of retail uses and the proposed day care use is subject to the the Day Care Center – Over 30 Persons requirement of 3 spaces per 1,000 square feet for 12,000 square feet of day care use. However, for developments featuring two or more land uses, the Zoning Ordinance allows minimum parking requirements to be established pursuant to a shared parking analysis. Based on a shared parking analysis prepared by Lenhart Traffic Consultants in April 2024, it was determined that a minimum of 46 parking spaces should be sufficient for the proposed development. This determination was based on a survey of the existing parking needs of the antique shop, analysis of historical parking data for existing Primrose daycare centers, and evaluation of the peak parking times for both uses. A reduction in parking reduces the amount of impervious on-site, which provides an environmental benefit.

In addition, the proposed development has been designed to meet or exceed the landscape setback requirements around the perimeter of the site. A combination of a 12' wide minimum landscape setback (adjacent to parking areas) and an 8' wide minimum landscape setback with a 6' height fence (adjacent to the conditional use) are provided along the site perimeter. These areas will be reforested and/or planted in accordance with the code requirements.

There are no existing stormwater management facilities on the Property and stormwater runoff is currently unmanaged. The site is proposed to be improved with stormwater management in accordance with Montgomery County's stormwater management requirements as outlined in Chapter 19 of the Montgomery County Code. Initial Stormwater Management ("SWM") Concept Plan application was submitted for review by the DPS on October 13, 2023 and is currently in the process of being updated to reflect the current development proposal. As shown on the SWM Concept Plan, since the existing site condition is over 40% impervious area, the Property qualifies as a redevelopment site. The redevelopment stormwater management requirements are met with a total of 3 micro-bioretenion stormwater management facilities. There is no existing storm drain directly adjacent to the site. Therefore, the site will outfall via a small plunge pool in the northwest corner of the site into the open space parcel to the west. By providing stormwater management on the Property, the proposed development will provide a significant improvement to the quality of the water flowing over and from the Property as compared to the existing unmanaged condition. This will be a benefit to the surrounding environment and downstream properties and water bodies.

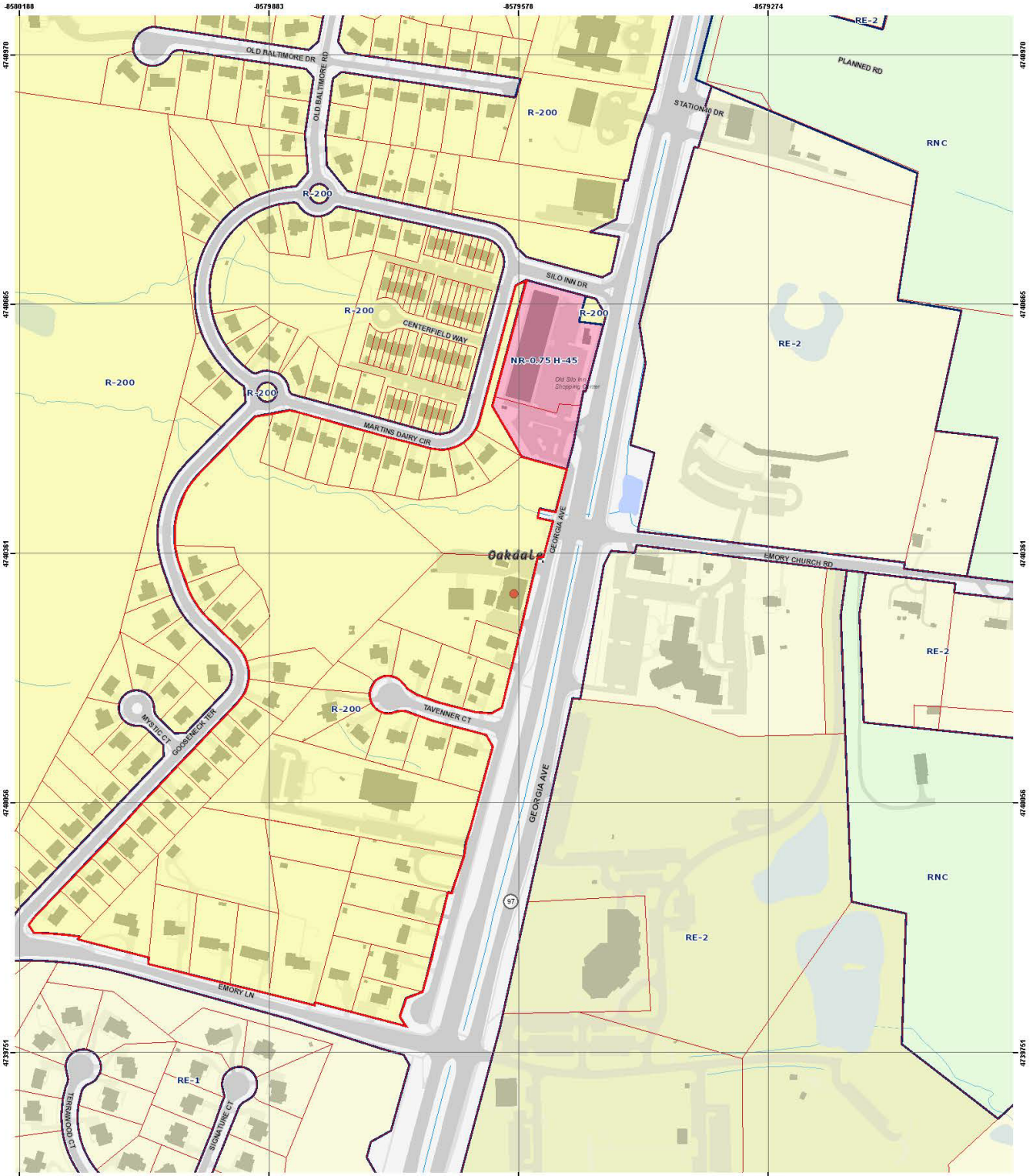
The Property is not located within a Special Protection Area. Therefore, no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be prepared and submitted to DPS subsequent to approval of the SWM Concept and prior to commencement of construction.

X. CONCLUSION

As described herein, the proposed development meets or exceeds the requirements and standards for the Conditional Use of a Day Care Center (Over 30 Persons) in the R-200 Zone, as outlined in Sections 59-3, 59-4, 59-6, and 59-7 of the Zoning Ordinance. Therefore, this Land Use Report supports approval of the subject Conditional Use application.

EXHIBIT A
Certified Zoning Map

NOTES CONCERNING ZONING IN RIGHTS-OF-WAY
 1. Zone boundaries must not be depicted in public rights-of-way but must tax to the centerline of each right-of-way.
 2. Zone boundaries within rights-of-way previously delineated by plat or other method of subdivision can be shown as a centerline of way if included in a map amendment boundary survey of the area zoning assigned in the map amendment.



MONTGOMERY COUNTY ZONING MAP

The Maryland-National Capital Park and Planning Commission

Montgomery County Planning Department



Printed: 9/13/2023

1 inch = 250 feet

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Account #	00720720
Address	16650 GEORGIA AVE OLNEY, 20852
Landuse	Retail
Legal Description	BRADFORD'S REST LOT AT OAKDALE
Zone	R-200
Overlay Zone	N/A
TDR Overlay Zone	N/A
Parking District	N/A
CBD	N/A
Parcel, Lot, Block	P110, N/A, N/A

Special Protection Area	N/A
Urban District	N/A
Enterprise Zone	N/A
Arts & Ent. District	N/A
Special Tax District	N/A
Blue/Ped Priority Area	N/A
Urban Renewal Area	N/A
Metro Station Policy Area	N/A
Priority Funding Area	Yes
Septic Tier	Tier 1: Sewer existing
Municipality	N/A
Master Plan	OLNEY MASTER PLAN
Historic Site District	N/A

WSSC Grid	222NW03
Map Amendments	0-258 0-266 0-839 0-956
Water/Sewer Categories	W-17 S-3

I certify that this document is a copy of the official Montgomery County Zoning Maps as downloaded on 9/13/2023 from MCATLAS.ORG/ZONING.

Signed

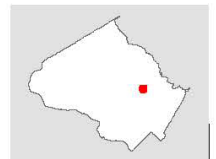


EXHIBIT B
Neighborhood Map

