

A TO Z FUN CARE DAY CARE CONDITIONAL USE NO. CU202509

Description

Request for Conditional Use approval to operate a new 4,353 square foot Day Care Center for 70 persons in the existing lower level of Saint Luke's Episcopal Church and to use existing off-street parking and outdoor play areas.

COMPLETED: 9/22/2025

PLANNING BOARD HEARING DATE: 10/2/2025

MCPB ITEM NO. 5

Planning Staff



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LOCATION/ADDRESS

St. Luke's Episcopal Church;
6030 Grosvenor Lane, Bethesda, MD 20814

MASTER PLAN

1992 North Bethesda Garrett Park Master Plan

ZONE

Residential 60 (R-60)

PROPERTY SIZE

4.26 acres

APPLICANT

Leila Nassaj

ACCEPTANCE DATE

April 29, 2025

REVIEW BASIS

Chapter 25, Zoning

HEARING EXAMINER PUBLIC HEARING

October 16, 2025



Summary:

- Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner for a hearing.
- The Property contains one building for the Saint Luke's Episcopal Church (religious assembly) and a second building for Cornerstone Montgomery, Inc. (charitable/philanthropic and group living).
- The Proposal requests approval to allow a 70-person Day Care Facility to operate within the existing lower level of the Church and utilize some of the off-street parking and the existing children's playground.
- With the exception of two (2) new signs associated with the Day Care Center, there are no exterior alterations proposed.
- Staff recommends approval of the parking waiver needed per Section 59.6.2.10 of the Zoning Ordinance.
- The Proposal will not change the character of the neighborhood.
- Staff has not received any public comment on this Application.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

CONDITIONAL USE NO. CU202509

Staff recommends approval of A to Z Fun Care Day Care, Conditional Use No. CU202509 for a Day Care Center (30+ persons) within an existing religious assembly building, subject to the following conditions:

1. The proposed use is limited to a 70-child Day Care Center.
2. No more than 20 employees, including the administrators, may be on site at any one time.
3. The hours of operation for the Day Care Center are limited to Monday through Friday, 7:00 a.m. to 6:00 p.m.
4. Day Care Center signage must satisfy Division 59.6.7 of the Zoning Ordinance and be compatible with existing signs on the church Property and those in the surrounding area. The total surface area for all existing and proposed signage on the Property must not exceed 40 square feet.
5. The Applicant must obtain a sign permit from the Montgomery County Department of Permitting Services (MCDPS) for the two (2) proposed monument signs. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner prior to the installation of the sign on the property.
6. The Day Care Center must utilize the existing off-street parking lot, accessed from the Property's Southport Drive frontage, and discourage use of on-street parking.
7. Access to the Day Care Center must occur from the rear or side entrance of the building.
8. The Applicant must temporarily block off the parking space immediately in front of the rear door during the Day Care Center's operating hours to create necessary space for children and other pedestrians to walk safely from each parking space to the rear building entrance.
9. The Day Care Center must not hold events during the same time when the church's excess rental space is being utilized for events.

SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

VICINITY/NEIGHBORHOOD

The Subject Property is located at 6030 Grosvenor Lane, Bethesda, MD 20814, in the North Bethesda area. It is surrounded by primarily residential uses in the Residential 60 (R-60) and Residential 90 (R-90) zones with some commercial, civic, and institutional uses interspersed throughout the residential blocks. Immediately to the north of the Property, across Cheshire Drive, is the Wildwood Manor Shopping Center, which is in the Commercial Residential Town (CRT) Zoning District. Further northwest, off Old Georgetown Road, is Walter Johnson High School. Ashburton Elementary School and the Wildwood Baptist Church (No. 8 on Figure 2) are located to the immediate west. Further to the southwest of the Subject Property is Fleming Local Park and contemporary townhouses.



Figure 1: Zoning for Subject Property and Surrounding Area

The Staff-defined Neighborhood (Figure 2) includes a small portion of the Wildwood Manor Citizens Association, in which the Property is located, and portions of the Fleming Park Community Association, and the North Ashburn and the Mary Civic Associations that confront the Property to the west, across Old Georgetown Road (MD 187). These residential areas to the west, south, and east of the Subject Property are likely to experience greater impacts from additional Conditional Uses in the

vicinity. The western boundary is Montauk Avenue, the southern boundary is I-495 (the Capital Beltway), the eastern boundary is I-270, and the northern boundary is Grosvenor Lane. This defined neighborhood is characterized by residential uses that are mainly single-family detached dwellings on lots that are at least 6,000 square feet or greater. The Subject Property is substantially larger than most of the typical neighborhood lots. While some edges of the neighborhood are defined by major interstate highways and a boulevard, the interior roads are neighborhood streets. Some of the neighborhood is walkable due to low-volume neighborhood streets with existing sidewalks. Nearby bus stops include the intersection of Old Georgetown Road at Cheshire Drive and Grosvenor Lane at Southport Drive.

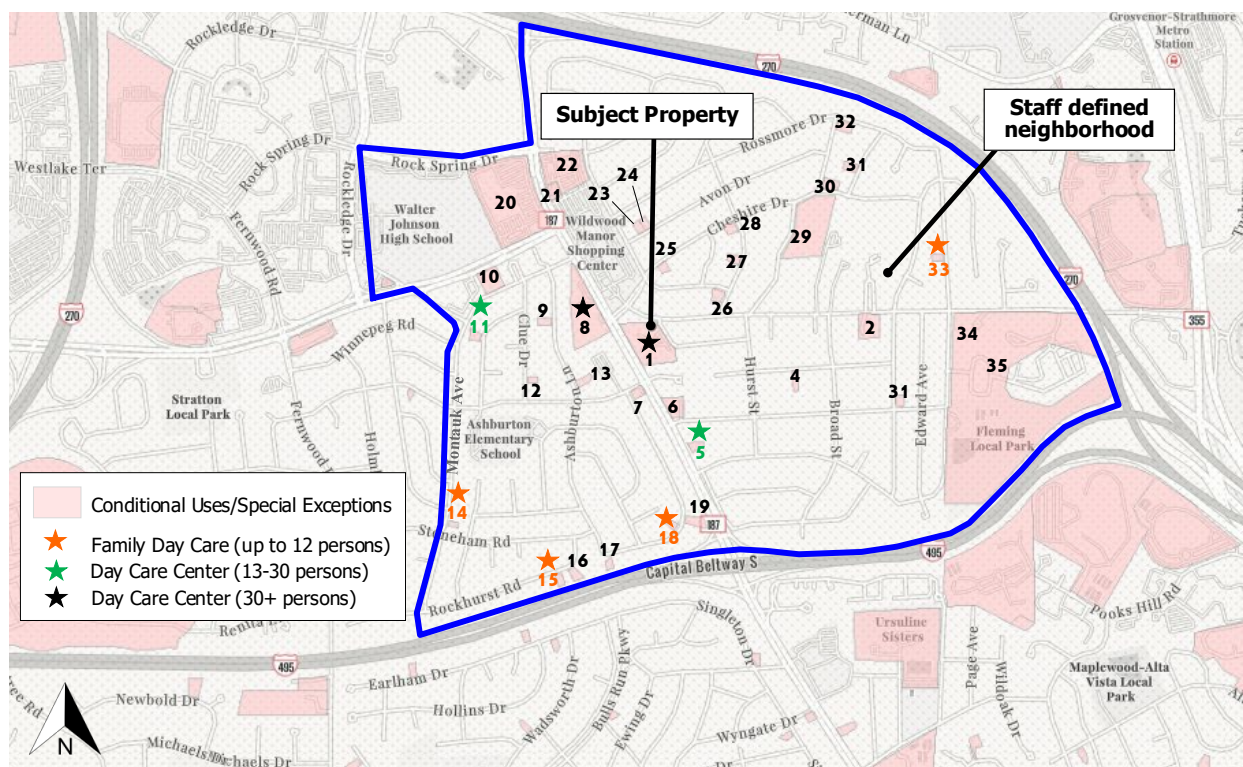


Figure 2: Vicinity Map with Staff-defined neighborhood and Conditional Uses

As shown in Figure 2, Staff identified 34 other properties (not including the subject application) with conditional uses/special exceptions applications within the defined neighborhood. The Subject Property has two prior special exception approvals for the two existing buildings to permit a charitable and philanthropic use in one building and a group residential facility for housing exceptional persons in the other building. There are at least six other properties that accommodate childcare at various capacities (i.e. Family Day Care (up to 12 persons, or Day Care Centers (13-30 persons or 30+ persons)). It should be noted that Figure 2 is a past snapshot of approvals and does not reflect the status of the approvals that were extinguished by the property owner and does not fully represent the current zoning landscape as day cares with up to 12 children and accessory apartments no longer require conditional use approval.

Table 1: Conditional Uses within the Staff defined neighborhood

Map No.	Case No.	Address/Block & Lot	Use Description
1	S1622; S1624; CU202509	6030 Grosvenor Lane (Parcel A, Block B) (Subject Property)	Charitable and Philanthropic Institution; Group Residential Facility; Proposed Day Care Center for up to 70 children (Application under review)
2	CBA2419; CBA2419; CBA2683	5704 Grosvenor Lane (Block D, Parcel A)	Additions to the Wildwood Telephone Dial Center
3	CBA2700	5611 Lone Oak Dr. (Block 4, Lot 34)	Family Day Care (up to 12 children)
4	S2703	5812 Greenlawn Dr. (Block E, Lot 7)	Accessory apartment in private dwelling
5	CU201502	9913 Old Georgetown Rd. (Block D, Lot 9)	Day Care Center for up to 20 children
6	S270	10001 Old Georgetown Rd. (Part of Block A, Lot 70)	Private educational institution ballet over 40 students
7	CBA1178	10010 Old Georgetown Rd. (Block 3, Lot 1)	Unknown; Case not found in archives
8	S259; S307	10200 Old Georgetown Rd. (Parcel 917; no plat)	Family Day Care within church; expansion to Day Care Center with 40 children
9	S2720	10023 Clue Dr. (Block 2, Lot 15)	Accessory apartment in private dwelling
10	CBA2705; S664	6300 Democracy Blvd. (Block T)	Eleemosynary & philanthropic institutions; construct and operate a medical clinic for up to 18 physicians
11	SE200701	10020 Sinnott Dr. (Block B, Lot 17)	Day Care Center (13-30 children)
12	S1036	10005 Clue Dr. (Block A, Lot 17)	Accessory apartment in private dwelling
13	S1167	10103 Ashburton Lane (Block 1, Lot 19)	Accessory apartment in private dwelling
14	CU202107	9803 Montauk Ave. (Block F, Lot 22)	Family Day Care (up to 12 children)
15	CU202308	6212 Rockhurst Rd. (Block 14, Lot 15)	Family Day Care (up to 12 children)
16	S1825	6208 Rockhurst Rd. (Block 14, Lot 17)	Accessory apartment in private dwelling

Table 1: Conditional Uses within the Staff defined neighborhood, Continued

Map No.	Case No.	Address/Block & Lot	Use Description
17	S2162	9801 Belhaven Rd. (Block 3, Lot 34)	Accessory apartment in private dwelling; use later discontinued
18	CU201705	9828 Belhaven Rd. (Block 4, Lot 19)	Family Day Care (up to 12 children)
19	S1229	9829 Belhaven Rd. (Block 3, Lot 20)	Accessory apartment in private dwelling
20	S2230	10400 Old Georgetown Rd.	Commercial fitness center. Revoked in 2019 because use is now permitted in the current CRT Zone.
21	S1903	10335 Old Georgetown Rd.; Parcel 621	Upgrade to existing automobile filling station
22	S2830	10401 Old Georgetown Rd.; Parcel C (Parcel N541)	Residential apartment building in a Commercial Zone. Case revoked in 2017 due to abandonment.
23	S1899	6045 Avon Dr. (Block 4, Lot 2)	Continued use an existing Accessory Apartment
24	S2858	6041 Avon Dr. (Block 4, Lot 3)	Continued use an existing Accessory Apartment
25	S2082	6036 Cheshire Dr. (Block 6, Lot 7)	Continued use an existing Accessory Apartment
26	S1511	6000 Berkshire Dr. (Block 1, Lot 21)	Accessory apartment in private dwelling
27	S2502	10220 Farnham Dr. (Block 7, Lot 12)	Accessory apartment in private dwelling. Case dismissed in 2002.
28	S1974	6000 Cheshire Dr. (Block 7, Lot 8)	Continued use an existing Accessory Apartment
29	S125	10235 Hatherleigh Dr. (Parcels P671 & P736)	Permit 2 paddle tennis courts
30	S1592	10301 St. Albans Dr. (Block 11, Lot 1)	Permit home occupation graphic arts
31	S2009	10304 Cheshire Ter. (Block B, Lot 6)	Accessory apartment in private dwelling
32	S2853	10329 St. Albans Dr. (Block 11, Lot 8)	Continued use an existing Accessory Apartment
33	CBA740	10300 Fleming Ave. (Block 1, Lot 28)	Family Day Care (up to 12 children)

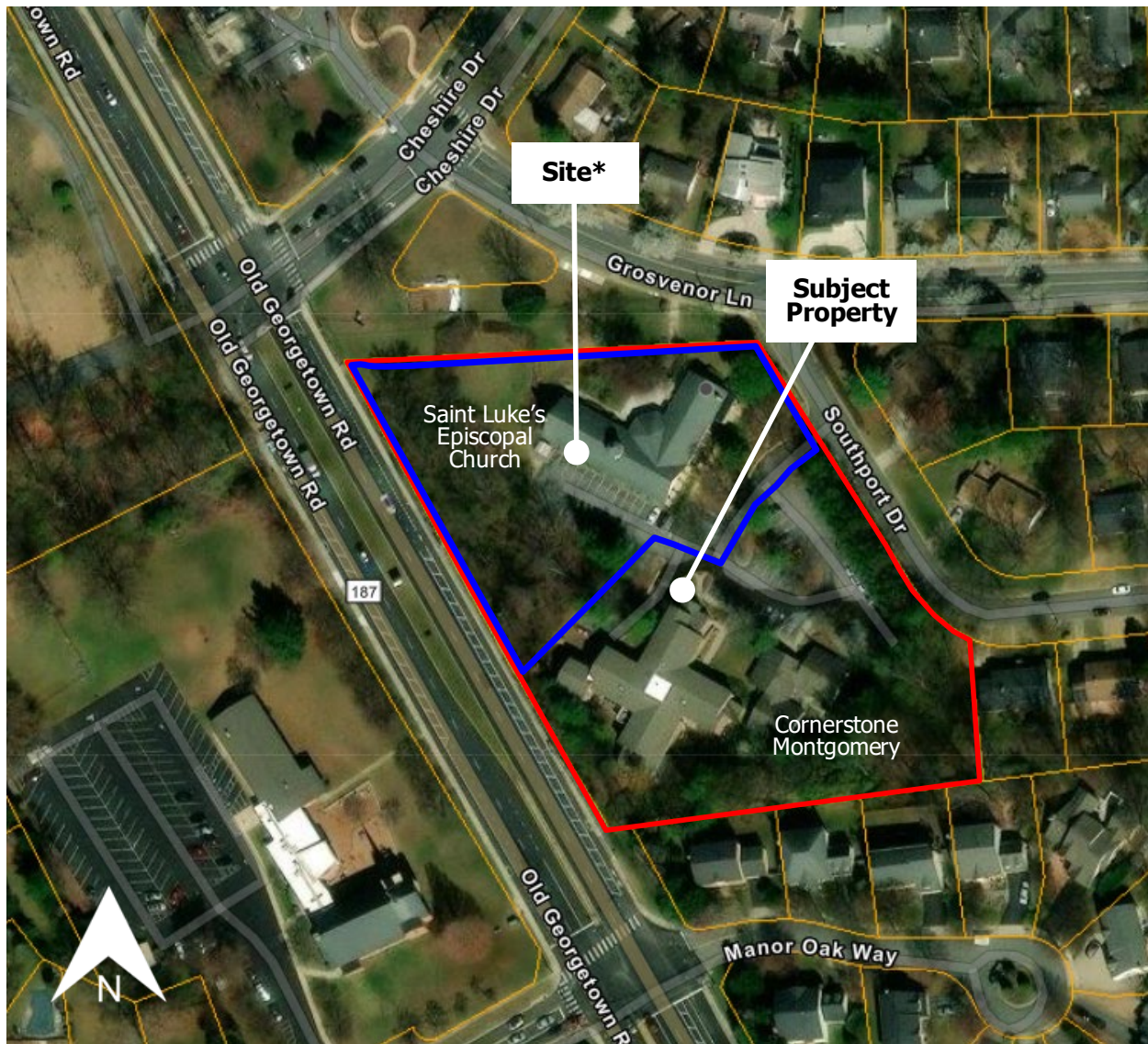
Table 1: Conditional Uses within the Staff defined neighborhood, Continued

Map No.	Case No.	Address/Block & Lot	Use Description
34	CU201614	5510 Grosvenor Lane (Lot 1)	Residential Care Facility (16+ people)
35	S257; S257A; CBA2820; CBA2867	9929 Fleming Ave.	Scientific society headquarters; modification to existing charitable philanthropic institution; administrative headquarters.

PROPERTY DESCRIPTION

The Subject Property (or “Property”) is located at 6030 Grosvenor Lane, Bethesda, MD 20814 (Figure 2), on a 4.26-acre lot, and is also known as Parcel A, Block B, (Plat No. 4130, 1955). The Property has frontage on Old Georgetown Road (MD 187), Grosvenor Lane, and Southport Drive. It is located within the R-60 zoning district and within the 1992 *North Bethesda Garrett Park Master Plan* area. The Property is improved with institutional uses and surface parking. There are no accessory structures on the Property. The edges of the lot are surrounded by mature tree canopy. There are two (2) existing buildings located on the Property, one for the Saint Luke’s Episcopal Church (“Site” or “Church”) and the other for Cornerstone Montgomery, Inc.¹, a nonprofit organization (not subject to this Application and addressed at 6040 Southport Drive, Bethesda, MD 20814). A shared driveway provides access to both buildings and the shared parking lot. Saint Luke’s Episcopal Church is the subject of this Conditional Use Application and the location of the proposed Day Care Center, per authorization provided by the local Church to the Applicant. Currently, the Site is used exclusively for church purposes and operates throughout the week and on weekends, both for church services and for daily work undertaken by administrative staff. The Church also offers rental space that may be scheduled for one-time or recurring events.

¹ After a public hearing held on March 29, 1989, the Board of Appeals approved the construction of St. Luke’s House in the Opinion dated August 23, 1989, for Case Nos. 1622 and 1624. In 2012, St. Luke’s House merged with Threshold Services to form Cornerstone Montgomery, Inc. with a mission to “empower people living with mental health and substance use disorders to thrive in their community through collaboration, treatment, education and advocacy”.



**Site outline delineated by Staff*

Figure 3: Subject Property (red outline) and Site (blue outline)

Built in 1992, the existing L-shaped church building is 9,468 square feet. The Site is subject to a building restriction line and is set back at least 86 feet from the Old Georgetown Road right-of-way. The main entrance of the Church is accessed at grade from Grosvenor Lane. From the rear of the Church, the lower-level points of ingress and egress are at grade due to topography. The Site slopes downward by approximately 10 to 12 feet from Grosvenor Lane to the interior surface parking lot. Due to the grade plane of the church building, the rear surface parking lot is mostly hidden from view from the surrounding roads. There is limited on-street parking along the Grosvenor Lane frontage, most of which is designated by signage for accessible parking only. There is an existing five-foot-wide sidewalk

and lawn panel adjacent to the curb. In contrast, there is no sidewalk or on-street parking along the Property's Southport Drive frontage. While there are sidewalks leading to the front and side building entrances, there is no sidewalk along the rear of the building that leads to the rear entrance.

A total of 76 parking spaces on the Subject Property serve both uses – St. Luke's Episcopal Church and Cornerstone Montgomery, Inc. Out of this total, 32 spaces abutting the south and west elevations of the church building are reserved exclusively for the church. Along with the vehicle parking, there is existing bicycle parking adjacent to the ADA parking spaces.

The 4.26-acre Property has an existing tree canopy that separates the parking lot from Southport Drive. There is an existing outdoor labyrinth, a children's playground, and a pollinator garden on the church grounds. The unfenced playground is hidden from view from Old Georgetown Road only when the tree canopy is in full bloom. The small, triangular-shaped grassed parcel to the north of this area, at the intersection of Cheshire Avenue and Grosvenor Lane, is county-owned and maintained.

The Subject Property does not contain streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically-adjacent steep slopes, or known occurrences of Rare, Threatened and Endangered species. The Site drains to the Rock Creek watershed. The Rock Creek watershed is a State Use Class I stream. The Property is not within a Special Protection Area.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

There are no existing subdivision or site plans associated with the church. Religious Assembly use is by-right in all zoning districts.

Special Exception No. S-1622

After a public hearing on March 29, 1989, the County Board of Appeals granted approval to the Applicant, St. Luke's House, to permit a Charitable and Philanthropic Institution use for non-profit mental and behavioral health services on the same property as St. Luke's Episcopal Church.

Special Exception No. S-1624

After a public hearing on March 29, 1989, held in conjunction with Application No. S-1622, the County Board of Appeals granted approval to the Applicant, St. Luke's House, to permit a Group Residential Facility for Housing for Exceptional Persons in the same building as Case No. 1622.

Forest Conservation Plan Exemption No. 42025133E

On February 11, 2025, Planning Staff approved a Forest Conservation Plan exemption for the Subject Property under Section 22A-5(q)(1) of the Forest Conservation Law (FCP Exemption No. 42025133E).

The Application is for an existing structure and the proposed use will not result in clearing of existing forest or trees.

PROPOSAL

As previously noted, the Applicant is not the owner of the Property; however, the owner has authorized the use of a portion of the Church property for a Day Care Center and has consented to the Subject Application. The Applicant proposes to operate a new 4,353-square-foot Day Care Center (30 or more persons) in the existing lower level of Saint Luke's Episcopal Church ("Site" or "Church") (Figure 3). The Applicant would serve as the primary caregiver for the proposed Day Care and would provide care for infants, toddlers, and preschool-age children between the ages of 6 weeks and 6 years old. As previously noted, the Church offers rental space that may be scheduled for one-time or recurring events. The Day Care will occupy some of the Church's existing rental space.

A maximum of 70 students are proposed, plus up to an additional 20 persons for administrative staff and teachers. The existing lower level previously served as a Sunday School for the Church, so the space has existing learning rooms, bathrooms, offices, and two exits for egress (side and rear of the building). The Church has an existing children's playground, along the side of the building facing Old Georgetown Road, which will be utilized for the proposed Day Care Center.

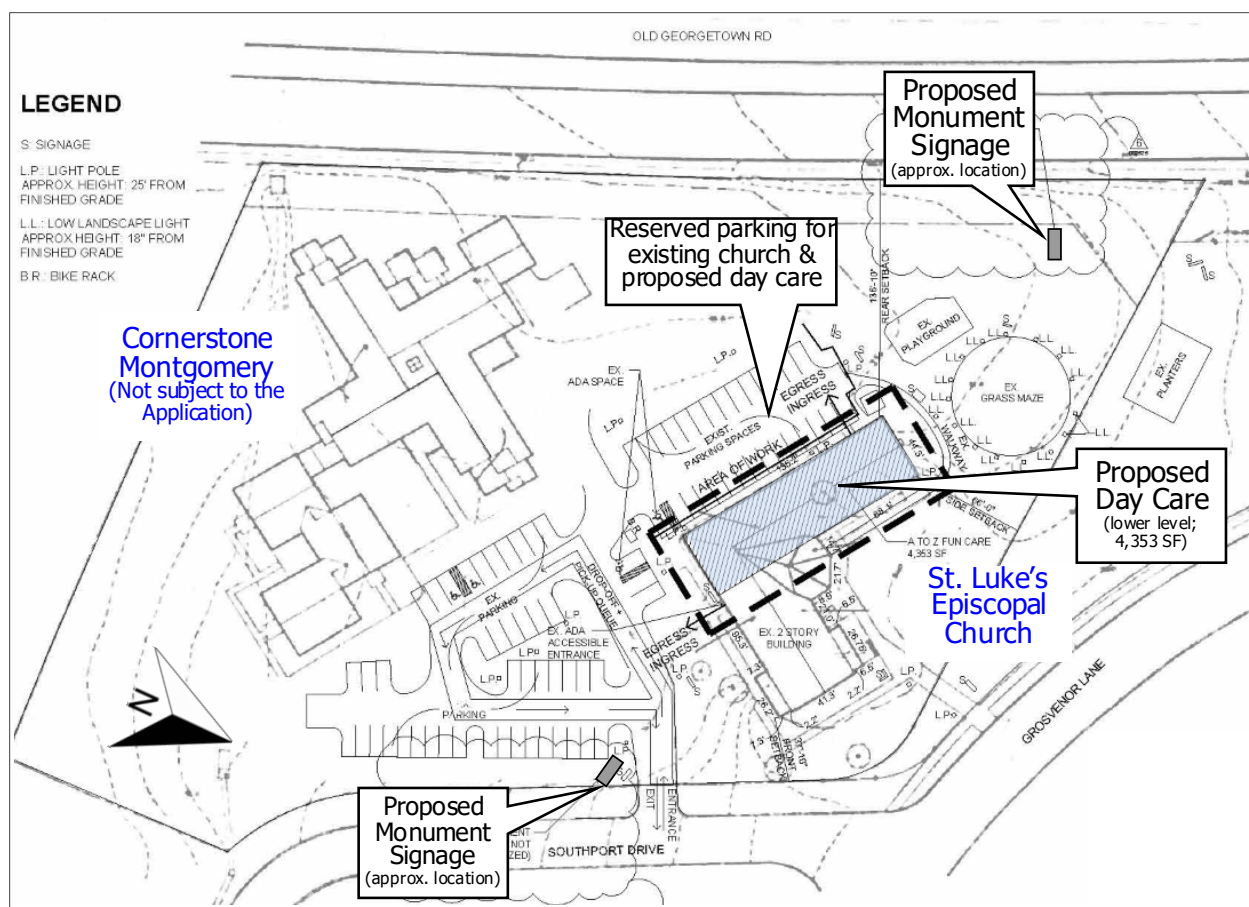




Figure 6: Landscaped Entrance to Parking Lot from Southport Drive



Figure 7: Rear Parking Lot for Church & Proposed Day Care Center



Figure 8: Rear Entrance directly to Lower Level of Church²



Figure 9: Reserved Church Parking & Side Entrance directly to Lower Level

² The annotated parking area on Figure 8, shown in a blue dashed line, represents Staff's condition that this parking space is recommended for temporary "no parking" during Day Care Center hours in order to create a clear and safe path for pedestrians walking to the rear building entrance. Further discussion is provided in the Findings section of the report.



Figure 10: Playground, west of the Church's rear entrance



Figure 11: View of Church Site from Grosvenor Lane

The proposed hours of operation for the Day Care Center are Monday to Friday from 7:00 a.m. to 6:00 p.m. While the Day Care is open, Church hours of operation are from 9:00 a.m. to 4:00 p.m. on Tuesdays, Thursdays, and Fridays. Child drop-off is anticipated to take place in a staggered pattern between the hours of 7:00 a.m. and 11:00 a.m., and pick-up will typically occur between 3:00 p.m. and 6:00 p.m. The morning peak period is from 7:00 a.m. to 9:00 a.m., and afternoon peak period is from 4:00 p.m. to 6:00 p.m.

The Applicant does not propose any new lighting or landscaping on the Property. Two (2) new monument signs for the Day Care are proposed along Old Georgetown Road and at the intersection of Grosvenor Lane and Southport Drive (Figure 4). The size of monument signs has not been determined but will not exceed the maximum size or surface area permitted for all signs on the Property. All other proposed work will be on the interior of the existing building, such as the installation of hand sinks in some of the classrooms and new floor finishes.

The Applicant attests that there are no pertinent issues with the adjacent building on the Property (Cornerstone Montgomery) regarding their parking and vehicle operations that should be noted with this Application (i.e., shared parking agreement, delivery schedule during drop-off/pick-up, etc.). A discussion on adequate access and circulation regarding the proposed Day Care Center is provided in the subsequent Findings section of the Staff Report.

ENVIRONMENT

This Project is subject to Chapter 22A (Forest Conservation) but is exempt from the requirement to submit a Forest Conservation Plan because it meets the criteria of Section 22A-5(q), as confirmed by Staff under FCP Exemption No. 42025133E.

SECTION 4: COMMUNITY CORRESPONDENCE

As of the date of this Staff Report, Staff has not received any correspondence from the community.

SECTION 5: FINDINGS

CONDITIONAL USE NO. CU202509

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

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

The previously approved Special Exceptions for the Property do not require amendments. The existing place of worship is allowed by-right by the Zoning Code (Chapter 59).

- 2. 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 (over 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:**

- a) Use Standards: Where a Day Care Center (over 30 Persons) is allowed as a Conditional Use, it must satisfy the following standards of 59.3.4.4.E.2.b.**

- 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.**

The Application proposes to provide 13 spaces located in the rear of the main building on the Property, which is the required off-street parking for the Day Care Center.

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

There is an adequate area to accommodate the discharge of passengers from vehicles safely within the off-street parking lot, as shown in Figures No. 7 and No. 8. To further ensure safe discharge, the Applicant must create a temporary “no parking” space in front of the door to provide a clear path for walking directly in front of the rear building entrance. The use is required to have at least 13 parking spaces, whereas 13 parking spaces are provided at the lower-level entrance where they can be directly accessed for the day care use. The remainder of the church parking lot can be utilized temporarily for any additional spaces needed during drop-off and pick-ups.

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

The Application does not include an outdoor play schedule. Given the amount of space available for outdoor play and its distance from residential or other

uses, restrictions are not necessary. Further, it is expected that traffic along the six lanes on Old Georgetown Road will exceed any noise made by children.

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 Application proposes an additional 90 persons (70 children and 20 staff) on the Site associated with the Day Care Center. This generates a need of 45,000 square feet (1.03 acres) of land. The existing church occupies at least half of the 4.26-acre property, whereas the existing Site is sufficient to accommodate the Day Care Center. No reduction in the square feet per person is required or requested.

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

The Application does not propose overnight care.

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

The proposed Day Care Center is located within the R-60 zone.

i. **Development Standards**

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

Development Standard Section 59.4.4.9.B*	Permitted/ Required	Existing**
Minimum Lot Area	6,000 sf.	4.26 acres
Maximum Lot Coverage	35%	35%
Minimum Front Setback	25 ft.	37.10 ft.
Minimum Side Setback	25 ft.	66 ft.
Minimum Rear Setback	20 ft.	136.10 ft.
Maximum Height	35 ft.	33.4 ft.
Vehicle Parking (Section 59.6.2.4.B)³		
<i>Building No. 1: Religious Assembly – 0.25 space per seat (210 seats)</i>	53 spaces	
<i>Building No. 1: Day Care Center – 3 spaces per 1,000 sq. ft. (4,353 sf.)</i>	13 spaces	
<i>Building No. 2: Charitable Use (non-profit mental health services) – 1 space per employee (33 staff)</i>	33 spaces	
<i>Building No. 2: Independent Living Facility for Seniors or Persons with Disabilities – 1 space per dwelling unit (3 apartments) plus 0.50 spaces per employee (2 resident counselors)</i>	4 spaces	
Total Spaces Required on Property	103	
Total Spaces Existing on Property		76 spaces ^{4,5}
Bicycle Parking (Section 59.6.2.4.C)		
<i>Independent Living Facility for Seniors or Persons with Disabilities</i>	Not required ⁶	N/A
<i>Charitable, Philanthropic Institution – 1 space per 5,000 sf. of GFA</i>	4 spaces ⁷	4 spaces

³ Dwelling unit count and staff figures for Building No. 2 are based on conditions of approval memorialized in the Board of Appeals Opinion dated August 23, 1989, for Case Nos. 1622 and 1624 for St. Luke's House. There is no record of an amendment to these cases or conditions of approval associated with approved maximums for dwellings or total employees or with the uses; therefore, the figures remain in full force and effect.

⁴ The Board of Appeals Opinion dated August 23, 1989, for Case Nos. 1622 and 1624 for St. Luke's House, approved a parking waiver in connection with the building for charitable use and group living.

⁵ Per Planning Staff's recommendation, at least one (1) space in the Church's rear parking lot should be temporarily blocked during Day Care Center operating hours to allow safe and efficient ingress and egress from the rear building entrance. Therefore, one (1) existing parking space would not be available for the current and proposed uses.

⁶ Bike parking spaces are required for the Independent Living Facility for Seniors or Persons with Disabilities use if there at least 20 dwelling units or more. This Property has 3 dwelling units.

⁷ The St. Luke's House building is 16,667 square feet per the Board of Appeals approval for S-1622 and S-1624 dated August 23, 1989.

Development Standard Section 59.4.4.9.B*	Permitted/ Required	Existing**
<i>Religious Assembly – 1 space per every 200 seats</i>	2 spaces	2 spaces
<i>Day Care Center – 1 space per 5,000 sf. of GFA</i>	1 space	1 space
Total Bicycle Parking	7 spaces	7 spaces

*Setbacks reflect the St. Luke's Episcopal Church building only.

**There is no proposed development with this Application.

Building No. 1 is St. Luke's Episcopal Church

Building No. 2. is Cornerstone Montgomery, Inc. (formerly St. Luke's House prior to 2012 merger)

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

(1) 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 0.25 spaces per seat or 20 spaces per 1,000 square feet of assembly area for religious assembly. Section 59.6.2.4 of the Zoning Ordinance requires Day Care Centers (30 or more persons) to provide three (3) off-street parking spaces per 1,000 square feet of gross floor area. The Church contains 210 seats⁸, and the Applicant proposes a Day Care Center that is 4,353 square feet.

The required parking breakdown is shown in Table 2 and summarized below:

Religious Assembly = 53 spaces

Day Care Center = 13 spaces

Charitable/Philanthropic = 33 spaces

Independent Living Facility for Persons with Disabilities = 4 spaces

Total Off-Site Spaces Required = 103 spaces

A total of 76 vehicle parking spaces are provided on the Subject Property, including ADA spaces. According to the Applicant, 32 parking spaces are dedicated exclusively to the religious assembly use (Site), while the remaining 42 spaces are dedicated to the adjacent building for charitable/philanthropic use (i.e., Cornerstone Montgomery). Under this Application, a total of 32

⁸ Some site data on 1989 site plans are illegible. This figure was provided by the Church.

exclusive spaces would be shared between the Church and the Day Care Center, with some overflow parking available on the overall Property.

Therefore, the Applicant requests a parking waiver to be reviewed and approved by the Hearing Examiner. 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 Applicant's request for a waiver due to the availability of off-street parking in the existing lot and the proposed arrival and departure times for pick-ups and drop-offs that would allow the existing spaces to be utilized efficiently at different times throughout the day. The peak parking usage for Church services occurs during the weekends (services are held on Saturdays and Sundays). Further, the hours of operation for the adjacent Cornerstone Montgomery (Monday through Friday 8:00 a.m. through 5:00 p.m.) vary from the Church and the proposed Day Care Center. There are no proposed changes to operating hours or parking demand for Cornerstone Montgomery.

Given the staggered arrival and departure times of Day Care Center patrons (Attachment C) and the later arrivals of church staff during the weekdays, there should be a sufficient amount of parking turnover to accommodate sharing between the two uses. Since the required parking spaces for the day care patrons and staff and Church staff can be accommodated within the Property's existing parking lot, there is no need to use on-street parking along the abutting or surrounding roads. Furthermore, 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.

As conditioned, the Applicant must temporarily block off the parking space immediately in front of the rear door during the Day Care Center's operating hours in order to create necessary space for children and other pedestrians to walk safely from each parking space to the rear building entrance, as shown in the foreground in Figure 8. As there are no sidewalks along the rear of the building, the area immediately in front of the door is critical for safe and efficient movement through the parking lot to the building entrance.

The Subject Property meets the requirements for bicycle parking. There is a bicycle rack on the Property that provides the minimum number of spaces necessary.

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 three 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 two (2) times the minimum side setback required for the detached house.

The Proposal complies with the above noted requirements for parking design. In terms of appropriate location, the off-street parking is located on Southport Drive which is the lower classification and volume roadway of the Property's multiple frontages.

The existing parking lot arrangement allows visibility of the entrance and does not impair pedestrian circulation along the abutting sidewalk. The parking lot configuration is an existing condition, and the Applicant 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 with 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 parking lot may exceed the 35% maximum permitted. Nevertheless, per Section 59.6.2.5.M.3.a, a surfaced parking area may exceed the size limits in Section 6.2.5.M.2 if: a) the surfaced parking area existed before October 26, 2010, and is not increased in size. The Church parking

lot was constructed prior to 1989⁹; it has not increased in size since then, and it will not increase in size as a result of this Conditional Use Application.

Parking Lot Landscaping

Since more than 10 parking spaces are provided, the Subject Property is subject to parking lot landscaped area and perimeter planting requirements enumerated in Section 59.6.2.9.C of the Zoning Ordinance. Per Section 59.6.2.9.C.1, the following is required: a) a surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot; b) a maximum of 20 parking spaces may be located between islands; and c) a landscaped area may be used for a stormwater management ESD facility. The Application complies as there are no more than 10 or 15 parking spaces between each required island. Additionally, the Subject Property is well landscaped overall, and this is evident in various site photographs seen in Figure 6 through Figure 11.

Overall, from a zoning perspective and with the approval of the parking waiver required, the Property meets the parking requirements of Section 59.6.2.4 of the Zoning Ordinance for a Day Care Center.

(2) *Landscaping and Outdoor Lighting- 59-6.4*

Photometric plans were not provided with this Application as the Applicant does not propose any new lighting on the Property or Site. Both parking lots on the Property have light poles provided from the islands and the sidewalks located to the side and rear of the existing building. There are two (2) light poles at the left entrance/exit and one (1) light post at the rear entrance/exit of the church being where the proposed Day Care Center would be located. Overall, there is adequate existing lighting along the building entrances that would accommodate the Day Care Center.

There is another tree canopy behind the rear parking lot where the Church and proposed Day Care Center parking spaces will be reserved. There are some existing perimeter plantings. The Application does not propose any new landscaping.

⁹ Existing church parking per the Opinion of the Board of Appeals for Case Nos. S-1622 and S-1624.

(3) Screening-59-6.5

Per Section 59.6.5.B., all conditional uses within residential detached zones must have screening that ensures compatibility with the surrounding neighborhood. No improvements are proposed associated with a landscape buffer, fencing, or privacy features. The uniquely shaped property has a robust tree canopy along three of the five lot lines, providing both a physical and visual separation from abutting uses and roads. The southernmost side lot line that abuts single-family detached homes is fully wooded, creating visual compatibility with neighboring uses. Further, the Day Care Center would be located in one of the two buildings on the Property that is furthest away, approximately 270 feet, from abutting residential uses to the south and southeast. Residential uses to the east of the Church Site are separated by Southport Drive. The existing tree canopy, combined with building setbacks, eliminates the need for fencing to create privacy. The customary activities (i.e., outdoor playtime, etc.) of a Day Care Center are largely separated by surrounding uses during the majority of the seasons, these activities will be mostly obstructed from the public view.

The existing landscaping is adequate, given the nature of the proposed use, the characteristics of the site, and the character of the surrounding area. Therefore, the Proposal meets the intent of Division 6.5 which is to ensure appropriate screening between different building types and uses.

(4) Signage-59-6.7

Two (2) monument signs are proposed as part of this Application, along the Old Georgetown Road frontage and Southport Drive parking lot entrance (Figure 4), that must satisfy Division 59.6.7 of the Zoning Ordinance. Sign dimension details were not provided at this time, but no variance is anticipated. As conditioned, any future signage associated with the Day Care Center must be compatible with existing signs on the Property and those in the surrounding area.

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

The Site is located within the 1992 *North Bethesda Garrett Park Master Plan* (Master Plan) area. There are no Property-specific recommendations in the Master Plan; however, pages 37 and 38 provide guidelines for Special Exceptions (now Conditional Uses) in the area. The proposed Conditional Use follows the guidelines listed in the Plan, as summarized below.

- a. Avoid excessive concentration of special exception and other nonresidential land uses along major highway corridors. Because sites along these corridors have better

visibility for business uses, they are more vulnerable to over-concentration of such uses. Of particular concern are office uses, which should be discouraged because they are better located in areas with commercial zoning. It is also important to minimize uses that degrade roadway safety and capacity by creating too many access points and conflicting turning movements.

- Proposal – The Proposal is not an office use and does not propose any new access points for ingress and egress. While there are at least eight (8) properties (see Table 1) within the staff-defined area that have various capacities for children (i.e., family day care, or day care center with 13-30 or 30+ children), more than half are located within single-family detached dwellings. There was another approval for a 40-child day care center within a church. The Subject Property is uniquely suited for an accessory use of its proposed size. It is the largest private institutional property in the defined neighborhood and has off-street parking, which is accessed from a lower classification roadway.
- b. Avoid over-concentration of commercial service or office-type special exception uses in residential communities. These include funeral parlors, horticultural nurseries, veterinary clinics, medical or dental clinics, medical or professional offices, and philanthropic organizations. The Plan does not discourage home occupations that meet Zoning Ordinance criteria. The most vulnerable areas for over-concentration are near employment centers and along major highways.
- Proposal – As shown in Table 1, there are no commercial service or office-type special exception uses approved in the staff-defined neighborhood.
- c. Protect major highway corridors and residential communities from incompatible design of special exception uses. In the design and review of special exceptions, the following guidelines should be followed, in addition to those stated for special exception uses in the Zoning Ordinance.
- i. Any modification or addition to an existing building to accommodate a special exception use should be compatible with the architecture of the adjoining neighborhood and should not be significantly larger than nearby structures.
 - ii. Front yard parking should be avoided because of its commercial appearance; however, in situations where side or rear yard parking is not available, front yard parking should be allowed only if it can be comprehensively landscaped and screened.
 - Proposal - There are no proposed exterior changes, no increase in building square footage, and no changes to existing outdoor play areas that would alter the appearance of the Property, and in effect, modify the character of

the street or neighborhood. From the street-level perspective, the Subject Property will remain indistinguishable from its existing conditions in terms of bulk, height, and fenestration. No new accessory structures are proposed. No parking is proposed between the front building line and the right-of-way. Existing off-street parking is available in the rear of the building and is well-landscaped to protect the viewshed of surrounding residential properties.

- d. Support special exception uses that contribute to the housing objectives of this Plan. In general, the Plan endorses meeting special population needs through provision of elderly housing and group homes that are compatible with nearby land uses.
 - Proposal – The Application does not include housing; however, it does not preclude housing development in the surrounding area. In fact, day care services are an essential neighborhood service, so the Proposal could support existing and new households in the area.
- e. Support special exception uses that contribute to the service objectives of the Plan.
 - Proposal - In particular, one of the guidelines endorses the provision of child day care uses, which “*contribute to the service objectives of the Plan.*” Additionally, on page 229 of the Master Plan in the Community Facilities chapter, it states, “*Encourage the provision of child day care facilities at other appropriate locations in the planning area.*” Given that the existing use of the building is a church, the addition of a day care is appropriate at this location.

At the time of its adoption, the Master Plan recognized two (2) existing child day care resources available in the Plan area, with a few new locations pending. Furthermore, the Master Plan indicates that the high number of existing and forecasted jobs in the North Bethesda/ Garrett Park planning area suggests a need for additional childcare opportunities (page 245). While the Master Plan does not specifically identify the Site, it includes support and a strong recommendation for day care centers at appropriate locations, as follows:

“The following recommendations address future needs for child day care facility locations. The Plan supports the provision of day care centers at Metro stations in the planning area and encourages the provision of child day care facilities at other appropriate locations. The Plan supports expanded use of public buildings for childcare. The Plan recommends that day care centers be provided as an amenity associated with applications for optional zones. In areas where redevelopment occurs, the provision of day care facilities should be required as part of the redevelopment process.” (page 245)

The Proposal anticipates using an existing but underutilized space within the building of Saint Luke's Episcopal Church which will not change the character of the neighborhood. Given the Property's existing circulation, parking, and usable space for a second use, the Site is an appropriate location for a Day Care Center (30+ Persons) and is compatible with the neighborhood. Therefore, the Proposal is in substantial conformance with the Master Plan.

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

The proposed Day Care Center is compatible with the surrounding neighborhood due to the function of the uses within the building, the nature of the activities, and the characteristic of the building where the activities occur. Currently, the Property serves the function of a place of worship with religious education. Increasing the capacity of the educational function does not change the existing function, rather, the two functions can co-exist.

While the Application requests approval of a new activity (the provision of childcare within an establishment), the Application is not proposing a change or intensification of the use with respect to bulk requirements (density, setbacks, height, etc.). No physical changes are proposed on the Subject Property (entire lot with two existing buildings) and the Site (church building only and associated parking and open space areas). By maintaining the existing bulk requirements of the R-60 zone, the character of the neighborhood is being preserved.

There is one primary, institutional activity - that occurs on the Subject Property within two separate existing buildings. While the character of the church building (Site) is not residential in nature, it corresponds with the adjacent building and corresponds with uses that are characteristically co-located with residential uses, as is the nature of the staff-defined neighborhood and surrounding areas. The front entry of the church building from the street level will be maintained as the primary entrance for the institutional/ religious use, which is the primary point observed from the surrounding areas.

Additionally, the day care activities will generate a specific and predictable amount of new traffic/usage based on the Applicant's assessment of traffic generation rates for the use. It will not generate a high volume of traffic or parking demand that would otherwise be associated with different activities that are more intensive. Additionally, the new traffic generated will be absorbed by the existing driveway and off-street parking and not impact on-street parking in the neighborhood.

Therefore, Planning Staff concludes that the proposed Day Care Center will not alter the character of the neighborhood.

- 5. 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;**

There are 34 other properties with previously approved conditional uses within the Staff-defined neighborhood, as previously outlined in Table 1 and shown in on Figure 2. Although approval of this Application would increase the number of overall conditional uses in the Staff-defined Neighborhood, the proposed Day Care Center will not adversely affect the area or alter the area's predominantly residential nature with neighborhood serving retail uses. With the exception of the day care center (30+ persons) located within the Wildwood Baptist Church (No. 8 on Figure 2), the four (4) Family Day Cares and the two (2) larger Day Care Centers (less than 30 persons) are located on small, single-family detached lots along neighborhood streets with off-street parking. These uses are indistinguishable from the surrounding residences and are generally of a substantial distance from one another. The subject Application would add one additional 30+ person Day Care Center to the neighborhood area. This impact is anticipated to be minimal because the Applicant is not proposing any physical exterior changes to the Property and off-street parking allows circulation to occur within the property envelope. More importantly, the proposed use substantially conforms to the Master Plan regarding the need for childcare in the area by using an existing building and without creating any land disturbing activities.

- 6. 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:**

- iii. 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**
- iv. 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**

A Preliminary Plan of Subdivision is not required, and Staff has determined that there are adequate public services and facilities to serve the proposed use as described below.

(1) Transportation

Master-Planned Roadways and Bikeway

The Subject Property is a uniquely shaped lot with multiple frontages along Old Georgetown Road (MD 187), Grosvenor Lane, Cheshire Drive, and Southport Drive. These roadways exist at their master planned right-of-way widths; therefore, no additional right-of-way dedication is required of the Applicant as part of the subject Conditional Use Application. Old Georgetown Road is designed as a Boulevard with six travel lanes, three in each direction, and a 40 mile per hour speed limit. Along the Property's frontage, there is an existing sidewalk adjacent to the curb and no on-street parking. Cheshire Drive and Grosvenor Lane are two-lane Area Connectors with a 25 miles per hour speed limit. There is an existing buffered bikeway along Old Georgetown Road. In the local area, the 2018 *Bicycle Master Plan* recommends separated bikeways along Old Georgetown Road and Grosvenor Lane. The Bethesda Trolley Trail route is also located to the far east of the Subject Property along Fleming Avenue, within the vicinity of the Site.

Pedestrian Facilities

There are existing five-foot-wide sidewalks along the Property's frontage on Old Georgetown Road, Cheshire Drive, and Grosvenor Lane. There are vegetated street buffers along the roadways, except on Cheshire Drive. No upgrades to these existing sidewalks are necessary as part of the subject Conditional Use application.

Transit Service

There is bus service that runs along Old Georgetown Road (MD 187), and nearby bus stops at the intersection of Old Georgetown Road at Cheshire Drive and Grosvenor Lane at Southport Drive. Transit service that directly serves the Subject Property includes Ride On bus service (Nos. 6, 46, and 47) and the Metrobus route M70 which provides service between Bethesda and Silver Spring.

Parking and Drop-Off/Pick-Up

Along Grosvenor Lane, some on-street parking is available on both sides of the street. On-street parking is unrestricted along Southport Drive. However, as conditioned, and as prohibited in Section 59.6.2.4 of the Zoning Ordinance, to minimize impacts to the neighborhood, the Applicant must not use any on-street parking for the Day Care Center. The Property contains a driveway on Southport Drive that leads to a parking lot with capacity for 76 vehicles for the overall Property and 32 dedicated spaces to serve the Church. Therefore, a parking waiver is requested the reflects the needs of all uses within both buildings on the Property and the existing conditions with the parking lot.

Parking and drop-off/pick-ups for the Day Care Center will occur in the rear parking lot of the church which is separate from the dedicated parking provided for the adjacent uses associated with Cornerstone Montgomery. The provision of the 32 designated spaces for the Church can accommodate the Applicant’s expected parking demand and turnover needs for the Day Care.

Local Area Transportation Review

The Subject Property is located within North Bethesda, an Orange Policy Area. The projected peak-hour morning and evening trips based on the Institute of Transportation Engineers’ (ITE) trip generation rates for a day care center, and the Policy Area mode split assumptions, are shown below:

Table 3: Trip Generation for the Proposed Use

Period	ITE Vehicle Trips	Policy Area Adjusted Vehicle Trips
AM Peak Hour	55	46
PM Peak Hour	54	45

The Subject Application was submitted in April of 2025 and is therefore subject to the 2024–2028 *Growth and Infrastructure Policy*, which took effect on January 1, 2025. Under the 2024–2028 *Growth and Infrastructure Policy*, a transportation impact study is not required to satisfy the Local Area Transportation Review (LATR) because the proposed Day Care Center generates fewer than 50 net new vehicle-trips during either the weekday morning or evening peak hour, as shown in Table 3.

(2) Schools

The proposed Project will not have an impact on public schools as the conditional use does not include residential development.

(3) Other Public Facilities

The Property is serviced by existing water and sewer services. 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.

7. *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:*

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

This finding requires consideration of the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood. Section 1.4.2 of the Zoning Ordinance defines inherent adverse effects as “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Inherent adverse effects, alone, are not a sufficient basis for denial of a conditional use.

Non-inherent adverse effects are defined as “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” Non-inherent adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the adverse effect causes “undue” harm to the surrounding neighborhood.

When analyzing whether impacts are inherent or non-inherent, Staff examines the size, scale, scope, light, noise, traffic, and environmental effects of the proposed use. 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 the proposed Day Care Center includes the following key issues when they exceed existing conditions or typical conditions or something is unique about the Property that causes additional impacts: 1) excessive vehicular trips to and from the Site; 2) inadequate outdoor play areas; 3) excessive noise generated by children; 4) inadequate drop-off and pick-up areas; 5) excessive lighting; and 6) inadequate screening. There are no unique circumstances that exacerbate the inherent impacts on this Property compared to other day cares of this size or nature and that are accessory to larger institutions. Less than 50 additional vehicle trips will be generated, which is not excessive and remains below the threshold to require a transportation impact study for day cares. Adequate off-street parking and drop-off/pick-up areas are available within the Site. The drop-offs and pick-ups are anticipated to be staggered and will minimize impacts to other uses on the Property and the neighborhood. As conditioned, the Day Care Center must utilize the building entrances and internal parking lot to ameliorate any adverse effects to residents.

The existing outdoor play equipment and lawn area in the side yard are adequate for the Proposal, including access to adequate sunlight and air. The morning and afternoon designated hours for outdoor play are not expected to exceed typical noise levels for outdoor activity. There is no anticipation of commercial-level noise from the proposed use. Additionally, the outdoor play area fronts onto six (6) lanes of traffic on Old Georgetown Road, thereby eliminating any disruptions to residences.

The existing lighting for the rear and side entrances of the church building, which will primarily serve the Proposal, is adequate. While the existing mounted lighting fixtures are not residential in nature, they are internal to the Site and do not intrude on neighboring properties. As discussed in the above section, there is an existing, robust tree canopy that provides landscape screening along three of the five lot lines on the Subject Property. The outdoor play equipment is largely out of view from the public due to its setback from Old Georgetown Road and the seasonal tree canopy. The play area and adjacent labyrinth is an existing condition and therefore in keeping with the character of the private property and the neighborhood. According to Saint Luke's Episcopal Church, the outdoor play equipment is available

for broad community use which contributes to the community amenities rather than an exclusive space.

Considering existing shortages identified within the Plan area, the provision of the proposed day care will provide a necessary neighborhood service and support the health, safety, and welfare of neighboring residents. There are no expected impacts to the neighborhood's public realm. Overall, Staff determined that the Proposal will not have any non-inherent effects at this location, with the exception of the parking waiver, that exceed typical conditions.

1. ***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 operation of a Day Care Center within the lower level of an existing place of worship; no construction, reconstruction, or alteration of any structure is proposed.

2. ***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.E.2.b. of the Zoning Code, where a Day Care Center (over 30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards and 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, and adequate public facilities. Furthermore, both the Subject Property (entire lot with two existing buildings) and the Site (church building only and associated parking and open space areas) are particularly well-suited for the proposed Day Care Center given the physical attributes of the Property and the surrounding setting. The Property is a 4.26-acre corner lot with multiple frontages on major roads with non-residential uses, which reduces the number of potential conflicts with abutting or confronting private residences. Confronting the Property to the east, across Old Georgetown Road (MD 187), is another place of worship. Confronting the Property to the north, across Cheshire Drive, is a neighborhood strip shopping center. These surrounding uses make the Day Care Center an ideal use and activity at these intersecting roads.

As previously noted, the Property has 76 off-street parking spaces to serve existing and proposed patrons, and at least 32 of these spaces exclusively serve the church. The two existing institutional uses and the proposed Day Care Center have various operating hours, making all the separate business operations on the Property compatible. Finally, reasonable buffering is present through the existing, dense tree canopy on the Property, which provides

separation of the proposed expanded educational activities from the abutting and confronting properties.

The Church Site is substantially separated from the other building on the Property. There are three entries into the building that provide adequate ingress and egress to access the religious and educational uses in an orderly fashion. As conditioned, two (2) of these access points – the side and rear entrances - would accommodate day care traffic. 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 proposed Day Care Center is a subordinate accessory use to the principal place of worship use on the Property and will not impact its primary function or activities. The addition of the Day Care Center, which would occupy the lower level of the existing church, 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.

The Day Care Center use will not impair the purposes of the R-60 zoning district and will remain compatible with the adjacent institutional building on the lot as well as the nearby residential properties. Therefore, Staff recommends approval with conditions.

FOREST CONSERVATION PLAN NO. 42025133E EXEMPTION

All Forest Conservation Law, Chapter 22A requirements are satisfied.

This Project is subject to Chapter 22A (the Forest Conservation Law) and is in conformance with the Planning Department's Environmental Guidelines.

Forest Conservation

This Project is subject to Chapter 22A (Forest Conservation) but is exempt from the requirement to submit a Forest Conservation Plan because it meets the criteria of Section 22A-5(q) for an existing structure, as confirmed by Staff under FCP Exemption No. 42025133E (Attachment A). Further, the proposed use will not result in clearing of existing forest or trees, the Property is not subject to a previously approved Forest Conservation Plan, and the Conditional Use proposal will not impact any champion tree as defined by the Montgomery County Forestry Board.

Environmental Guidelines

The Subject Property contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, hydraulically-adjacent steep slopes, or known occurrences of Rare, Threatened, and

Endangered species. The Site drains to the Lower Rock Creek watershed. Lower Rock Creek is a State Use Class I stream. The Site is not within a Special Protection Area or the Patuxent Primary Management Area. The Property is outside of all environmental buffers and is in conformance with the Environmental Guidelines. The Application does not propose adding any new impervious surfaces.

SECTION 6: CONCLUSION

The proposed conditional use complies with the findings required for approval of a 70-person Day Care Center to operate within the lower level of a place of worship, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 1992 *North Bethesda Garrett Park Master 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, waiver, and transmittal of comments to the Hearing Examiner.

ATTACHMENTS

- Attachment A: Forest Conservation Plan Exemption
- Attachment B: Subdivision Plat
- Attachment C: Day Care Center Arrival and Departure Times
- Attachment D: Transportation Adequacy Form
- Attachment E: Prior Approvals



ATTACHMENT A

Development Applications and Regulatory Coordination Division

Effective 2/3/2025

M-NCPPC

2425 Reddie Drive, 14th Floor, Wheaton, MD 20902

301-495-4550

APPLICATION

Forest Conservation Law Applicability for Conditional Uses/Special Exceptions

Property Information

6030 Grosvenor Lane
Address
0141
Subdivision Name
Bethesda
City
B
Block(s)
GP63
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)

LEILA NASSAJ
Name
8916 Victory Lane
Street Address
Potomac
City
301-943-7775
Phone Number
AZ Funcare
Company
MD
State
20854
Zip Code
nassajleila7@gmail.com
Email Address

Total Area of Property: 3.51 acres square feet

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

☒ The application is for an existing structure and the proposed use will not result in clearing of existing forest or trees. (Requires plan number and M-NCPPC signature below)

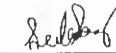
OR, all of the following:

☐

- The application applies to a property of less than 40,000 square feet.
- 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.

 (Not subject to Forest Conservation Law; requires M-NCPPC signature below)

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.



Applicant's Signature
Leila Nassaj
Printed Name
1/22/25
Date

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.

Plan Name: 6030 Grosvenor Lane
Plan Number: 4 2025133E


M-NCPPC Signature
Josh Koye
Printed Name
2/11/25
Date

PLAT No 4130

OWNER'S DEDICATION

We, The Convention of the Protestant Episcopal Church of the Diocese of Washington, a corporation created by an Act of Congress, by Bishop Angus Dun, President, and Ogle R. Singleton, Secretary, owners of the property shown hereon and described in the Engineer's Certificate, hereby adopt this plan of subdivision, establish the minimum building restriction lines except as shown and dedicate the streets to public use.

There are no suits of action, leases, liens or trusts on the property included in this plan of subdivision.



THE CONVENTION OF THE PROTESTANT EPISCOPAL
CHURCH OF THE DIOCESE OF WASHINGTON

MAY 19, 1955

ATTEST: Ogle R. Singleton By: Bishop Angus Dun
Ogle R. Singleton, Secretary Bishop Angus Dun, President

ENGINEER'S CERTIFICATE

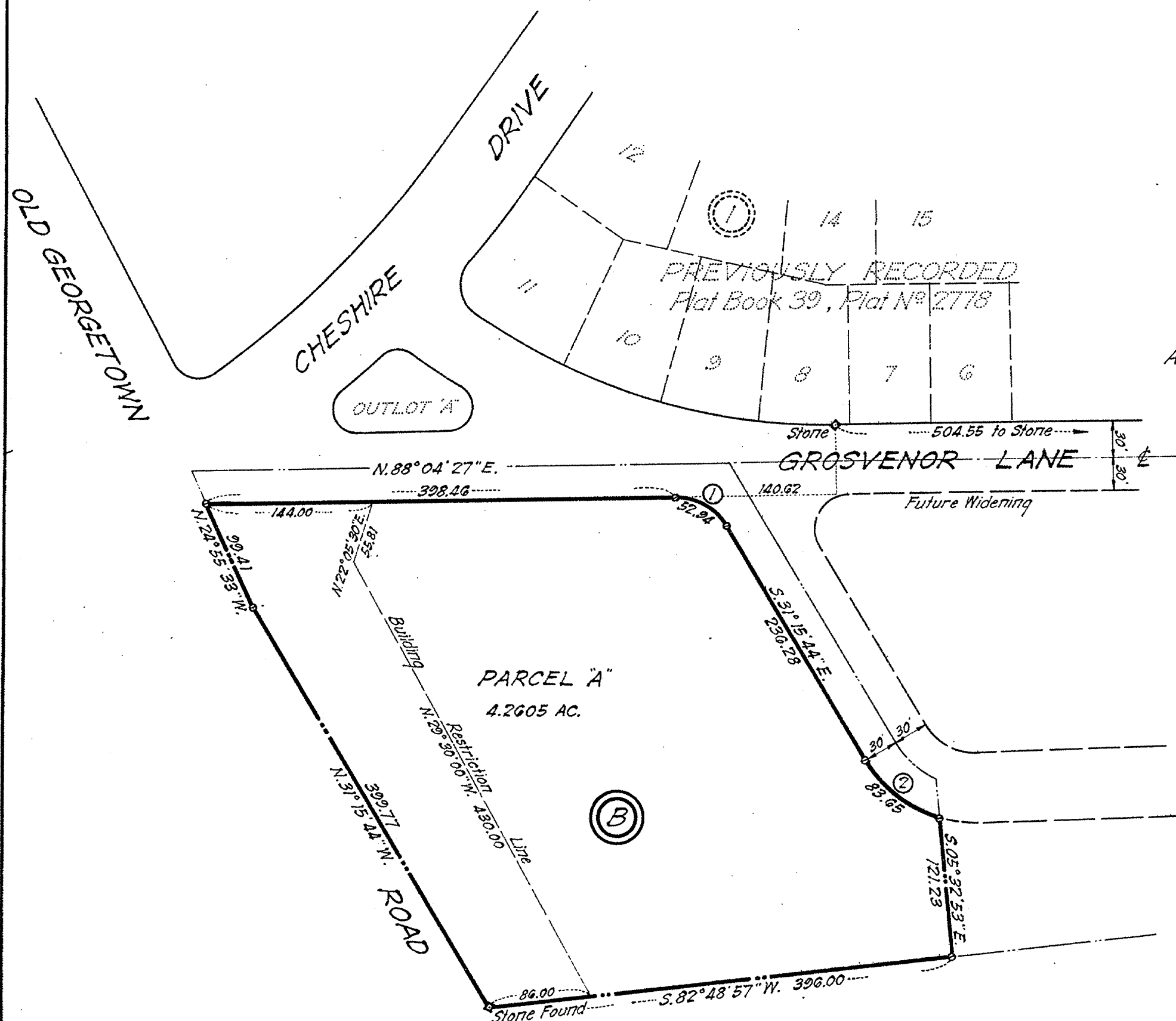
I hereby certify that the plan shown hereon is correct, That it is a subdivision of all of the lands conveyed by Alvin A. Aubinoe and Dorothy B. Aubinoe, his wife, to the Convention of the Protestant Episcopal Church of the Diocese of Washington by deed dated December 17, 1954 and recorded December 30, 1954 among the Land Records of Montgomery County, Maryland, in Liber 2007 at folio 350;

And that stones indicated thus: , and iron pipes indicated thus: , are in place as shown.

MAY 20, 1954

BEN DYER
BEN DYER
Registered Professional Engineer
And Land Surveyor - Md. No 538

Note: The area dedicated to streets is 23649 square feet of land.



CURVE DATA

No	RADIUS	Δ	ARC	TAN	CHORD	BEARING
1	50.00	60°39'49"	52.94	29.26	50.50	S. 61°35'38"E.
2	110.00	43°34'16"	83.65	43.97	81.65	S. 53°02'32"E.

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
APPROVED: MAY 26, 1955
DATE
John F. Nichols
ACTING CHAIRMAN SECRETARY-TREASURER
M.N.C.P. & P.C. RECORD FILE No 151-38

FILED
JUN 13 1955

PARCEL "A" - BLOCK "B"
WILDWOOD MANOR

MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 100'

MAY, 1955

BEN DYER ASSOCIATES, INC.
ENGINEERS-SURVEYORS
HYATTSVILLE, MD.

ATTACHMENT C

TRANSPORTATION STATEMENT FOR DAY CARE APPLICATIONS

Morning Peak Period Drop-Off and Staff Arrivals (6:30am-9:30am)		
Time	Number of Children	Number of <u>Non-Resident</u> Staff
6:30-6:45 am		
6:45-7:00 am		
7:00-7:15 am	7 Children	2 Staff
7:15-7:30 am	6 Children	2 Staff
7:30-7:45 am	4 Children	2 Staff
7:45-8:00am	8 Children	2 Staff
8:00-8:15am	8 Children	2 Staff
8:15-8:30 am	7 Children	2 Staff
8:30-8:45 am	7 Children	2 Staff
8:45-9:00 am	5 Children	2 Staff
9:00-9:15 am	7 Children	2 Staff
9:15-9:30 am	11 Children	2 Staff
Total	70 Children	20 Staff

Include the number of children and non-resident staff that will arrive during each 15-minute interval for the proposed day care use.

Please Note:

Proposed Daycare Drop Off Hours are between 7AM - 11AM. For the purposes of the Transportation Statement, all 70 Children's are Dropped Off between 7AM - 9:30AM.

Include the number of children and **non-resident** staff that will depart during each 15-minute interval for the **proposed** day care use.

Evening Peak Period Pick-Up and Staff Departures (4:00pm-7:00PM)		
Time	Number of Children	Number of <u>Non-Resident</u> Staff
4:00-4:15pm	8 Children	3 Staff
4:15-4:30pm	8 Children	3 Staff
4:30-4:45pm	8 Children	3 Staff
4:45-5:00pm	8 Children	3 Staff
5:00-5:15pm	8 Children	2 Staff
5:15-5:30pm	10 Children	2 Staff
5:30-5:45pm	10 Children	2 Staff
5:45-6:00pm	10 Children	2 Staff
6:00-6:15pm		
6:15-6:30pm		
6:30-6:45pm		
6:45-7:00pm		
Total	70 Children	20 Staff

Please Note:

Proposed Daycare Pick Up Hours are between 3PM - 6PM. For the purposes of the Transportation Statement, all 70 Children's are being Picked Up between 4PM - 6PM.

Transportation Adequacy Form

Instructions: Applicants must submit a *Transportation Adequacy Form* as a Word document to Montgomery Planning staff for review and approval prior to filing a development application for any project that requires an Adequate Public Facilities (APF) finding. Email the completed form to transportation.review@montgomeryplanning.org.

The *Transportation Adequacy Form* must be approved by agencies applicable to the project context, including Montgomery Planning, the Montgomery County Department of Transportation (MCDOT), and the State Highway Administration (SHA), and/or the Local Jurisdiction, prior to initiating an LATR Study or submitting a development application. It is the responsibility of the Applicant to obtain approval, which is demonstrated via the signature of the relevant agency representatives.

Upon receipt of a completed *Transportation Adequacy Form*, Planning will provide feedback within 15 business days. Large and/or complex projects may require additional time and/or may warrant a meeting.

Transportation Adequacy Form Approval For Staff Use Only

Montgomery Planning Name : Richard Brockmyer Date: 8/22/2025	State Highway Administration (if applicable) Name : Click and type. Date: Click and type.
Montgomery County Department of Transportation (if an LATR Study is required) Name : Click and type. Date: Click and type.	Local Jurisdiction (if applicable) Click and type. Name : Click and type. Date: Click and type.

Applicant Information (Required for All)

Project Name	A To Z Fun Care		
Applicant / Developer Name	Leila Nassaj	Project Location (include address if known)	6030 Grosvenor Lane Bethesda, MD 20814

Transportation Consultant and Contact Information		Date Form Submitted to Planning Staff	Select date.
Part A: Project Information (Required for All)			
Transportation Policy Area(s) List Name and Color See GIP Area Map	<i>North Bethesda Policy Area – Corridor-Focused Growth Area</i>	Master Plan or Sector Plan Area(s) See MCATLAS	North Bethesda Garrett Park Master Plan
		Complete Street Area Type See MCATLAS	Area Connector, Boulevard, Downtown Boulevard, Neighborhood Connector
Application Type(s) <i>Check all apply</i>	<input type="checkbox"/> Preliminary Plan <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Amendment <input type="checkbox"/> Site Plan <input type="checkbox"/> APF at Building Permit <input type="checkbox"/> Mixed Income Housing Community (MIHC) Plan <input type="checkbox"/> Sketch/Concept/ Pre-Preliminary <input type="checkbox"/> Local Map Amendment <input type="checkbox"/> Other:		
Project Description Outline the project's key details, including a description of the planned development program. This should cover land use, unit count, square footage, project phasing, and applicable zoning/subdivision regulations.	Part of existing basement space of St. Lukes Episcopal Church was previously used as a School for the Church. There are existing learning rooms and staff rooms so A To Z Fun Care will be taking the space as is. While the School has not been active the past few years, the traffic was setup so that children would be dropped off and picked up on the weekends; however, the current traffic might not be fully represented since the School has been inactive. A To Z will be operating during the weekdays and with up to 70 Children in the Day Care.		
Existing Use & Prior Approval Outline the current uses of the site, including land use categories, unit count or square footage, site activities, construction year, and any other pertinent details. Note any prior approvals or proposals.	Existing basement of the Church was previously used as the Church's School on the weekends. The School has been inactive for a few years so the current traffic does not meet what was intended for the area. Parents were dropping-off and picking-up their children to the School on the weekends; but A To Z Fun Care will have children dropped-off and picked-up during the weekdays. A To Z Fun Care will be taking 4,353 square feet of the existing basement which was designed for learning rooms. There are 76 existing parking spaces on site and the Church will provide 13 parking spaces for the proposed Day Care in the rear parking lot.		
Site Access Describe proposed site access points for all modes. Show curb cut locations (proposed and existing), access controls (e.g., right-in/out, signalized), connections between parcels, internal movement, private roads, parking/loading areas,	Please see Sheet-Z100 for site access, curb cut locations, connections between parcel, parking lot, and nearby roads. The site entrance is located on Southport Drive and the drive aisle for the Day Care will wrap around the existing parking to the left of the Church. There is an existing walkway leading from the left side parking lot to one of the ingress and egress points through the basement. There are 2 existing ADA parking spaces located at the rear corner of the Church with ADA access to the walkway. Although there will be 20 Staff Members for the Day Care, 10 of the 20 Staff Members will be car-pooling or ride sharing to and from the Day Care.		

and other site access details. Include maps or graphics as an attachment.

☒ Map(s) or graphic(s) attached

Part B: Transportation Adequacy Screening (Required for All)

Trip Generation Estimates

Provide site-generated trip estimates, using the most recent version of the ITE *Trip Generation Manual* or another agreed upon methodology such as manual driveway counts at similar facilities. Estimates must be provided by land use and development phase during weekday AM and PM peaks, and include daily totals.

Include trip generation for existing site, current approvals, proposed uses, and net changes. Show calculations and clearly cite sources and methodology including use of ITE average trip rates, ITE land use code(s), and version of ITE TripGen. Include and identify policy area adjustment factors and trip reductions.

Include detailed calculations as an attachment.

See Section 2.B1 of the LATR Guidelines for trip generation instructions and guidance on policy area adjustment factors, acceptable trip reductions, and other methodologies.

☒ Trip generation estimates **are not required** for a proposed development with five or fewer single-family dwellings and no other uses. Check box if applicable and select LATR Study Exempt under LATR Study Determination.

<i>Totals Summary:</i>	AM Peak-Hour Weekday	PM Peak-Hour Weekday	Daily (Weekday)
Proposed Motor Vehicle Trips	29 Enter + 26 Exit = 55	25 Enter + 29 Exit = 54	148
Existing Motor Vehicle Trips (credit)	Click and type.	Click and type.	Click and type.
Net New Motor Vehicle Trips	46	45	123

☒ Trip Generation description, detailed calculation, and tables attached

Maximum Net New Peak-Hour Motor Vehicle Trips 46 PM Peak-Hour Trips
(the greater of the AM and PM peak-hour trips)

LATR Study Determination

Check all that apply.

See Section 2.B2 of the LATR Guidelines for more information.

☒ **LATR Study Exempt**

Go to Part C: LATR Study Exempt

Note: If fewer than 30 maximum net new peak-hour weekday motor vehicle trips are determined, the project is exempt from the LATR Study. Other exemptions are listed in Part C: LATR Study Exempt and in the LATR Guidelines.

☐ **LATR Study Required**

Go to Part D: LATR Study Data Collection

☐ **Vision Zero Statement**

Required with LATR Study.

☐ **Non-Motor Vehicle Analysis**

Required with LATR Study.

☐ **Motor Vehicle Analysis**

Required with LATR Study, except for Red Policy Areas and Downtowns, which are exempt. Go to Part D, then Part E.

Part C: LATR Study Exempt

Only to be completed for projects that are LATR Study Exempt.

LATR Study Exemption Statement

Select the reason(s) for the exemption and provide a brief statement that justifies the exemption.

The statement can be attached if more room is needed.

See Section 2.C of the LATR Guidelines for more information.

Reason(s) for exemption:

Check all that apply.

- ☐ Fewer than 30 maximum net new peak-hour weekday motor vehicle trips.
- ☒ Daycare use with fewer than 50 maximum net new peak-hour weekday motor vehicle trips.
- ☐ Bioscience use.
- ☐ Mixed Income Housing Community (MIHC) Plan or equivalent.
- ☐ North Bethesda (formerly White Flint) Metro Station Policy Area.
- ☐ White Oak Local Area Transportation Improvements Program (LATIP) Area.
- ☐ Potomac Policy Area, project not impacting select intersections.

Statement:

- ☐ Statement attached (as needed)

End of Part C. If LATR Study Exempt, **go to Acknowledgements (on last page).**

Part D: LATR Study Required—Vision Zero and Non-Motor Vehicle Analysis

Only to be completed by Applicants of projects that require an LATR Study. The purpose of this section is to determine the parameters of LATR Study and the extent of data collection and analysis. The completed LATR Study must comply with all requirements in the *LATR Guidelines*, including those not listed on this form.

<p>Vision Zero Statement <i>Speed Study Locations</i></p> <p>All LATR studies must develop a Vision Zero Statement. The Applicant must conduct speed studies, report findings, and suggest safety countermeasures.</p> <p>Indicate locations for speed studies. The maximum number of required speed studies is based on the maximum net new weekday peak-hour motor vehicle trips.</p> <p>Include map(s) depicting the speed study locations as an attachment.</p> <p><i>See Section 3.A1, Table 1 of the LATR Guidelines for speed study requirements.</i></p>	<p>Locations for Speed Studies:</p> <ol style="list-style-type: none"> 1. Click or tap here to enter text. 2. Click or tap here to enter text. 3. Click or tap here to enter text. 4. Click or tap here to enter text. <p><input type="checkbox"/> Map(s) attached</p>
<p>Non-Motor Vehicle Analysis <i>Study Area Extent</i></p> <p>All LATR studies must analyze non-motor vehicle adequacy.</p> <p>Select the appropriate study area network distance based on the maximum net new weekday peak-hour motor vehicle trips. Include maps that show the site, the network-distance study area, and a buffer from the property boundary equal to the listed network distance.</p> <p><i>See Section 3.B1, Table 2 and Figure 3 of the LATR Guidelines for study area and analysis requirements.</i></p>	<p>Study Area Network Distance for Analysis:</p> <p>Pedestrian Level of Comfort: Select distance.</p> <p>Illuminance: Select distance.</p> <p>ADA Compliance: Select distance.</p> <p>Bicycle: Select distance.</p> <p>Bus Transit: Select distance.</p> <p><input type="checkbox"/> Study area map(s) attached</p>

Programmed Transportation Projects*Background Conditions*

List all programmed roadway, transit, bicycle, and pedestrian projects within a ¼-mile buffer of the property boundary. Programmed projects include those fully funded for construction in the County or State budget in the next 6 years and conditioned developer projects.

See [Transportation Commitments Map](#) for info.

**End of Part D. If Motor Vehicle Analysis is required, go to Part E.
For projects in Red Policy Areas and Downtowns, go to Part F.**

Part E: LATR Study Required—Motor Vehicle Analysis

Only to be completed by Applicants of projects that require an LATR Study with Motor Vehicle Analysis. LATR Studies must include an assessment of Motor Vehicle Adequacy, except for developments in Red Policy Areas and Downtowns, which are exempt from this requirement. The purpose of this section is to determine parameters of LATR Study, including the extent of data collection and analysis. The completed LATR Study must comply with all requirements in the *LATR Guidelines*, including those not listed on this form.

Study Scenarios

Propose an appropriate set of scenarios to analyze. Other scenarios may be requested by reviewing agencies. Note the anticipated build-out year and project phasing.

See 3.C1 of the *LATR Guidelines* for requirements.

Scenarios: ☐ Existing ☐ Background (No Build) ☐ Total Future ☐ Future with Mitigation (as needed)

Existing Year: Click or tap here to enter text.

Phases / Build-out Year(s): Click or tap here to enter text.

Study Periods: ☐ AM ☐ PM ☐ Mid-day ☐ Saturday ☐ Sunday ☐ Other: Click to enter text.

Additional Scenarios: Click and type to enter text.

<p>Software Requirement</p> <p>Select software type and describe methodology and analysis for specific intersections.</p> <p><i>See 3.C1 of the LATR Guidelines for requirements.</i></p>	<p>Software Type(s): <input type="checkbox"/> Synchro <input type="checkbox"/> VISSIM <input type="checkbox"/> CORSIM <input type="checkbox"/> SIDRA <input type="checkbox"/> SimTraffic <input type="checkbox"/> CLV <input type="checkbox"/> Other Click to enter text.</p> <p>Provide methodology (analysis and software) for specific intersections:</p>	
<p>Study Intersections</p> <p>Identify study intersections. Applicants must study a minimum number of significant signalized and non-signalized intersections. The number of required intersection tiers is based on weekday peak-hour motor vehicle trips.</p> <p><i>See 3.C2 of the LATR Guidelines for requirements.</i></p>	<ol style="list-style-type: none"> 1. 2. 3. 4. 5. 6. 7. 	<ol style="list-style-type: none"> 8. 9. 10. 11. 12. 13. 14.
<p>Multimodal Intersection Counts</p> <p>Counts must be collected no more than 12 months prior to the acceptance of the LATR Study.</p> <p>Indicate if counts will be new or existing, and list locations and dates of any existing counts.</p> <p><i>See 3.C2 of the LATR Guidelines for requirements.</i></p> <p><i>See Montgomery Planning's Intersection Analysis Database</i></p>	<p>Intersection count collection: <i>Check all that apply.</i></p> <p><input type="checkbox"/> New intersection counts (not yet collected)</p> <p><input type="checkbox"/> Existing intersection counts (must be collected no more 12 months before LATR Study acceptance date)</p> <p>If using any existing counts, list location(s) and date(s) of counts:</p>	

Trip Distribution

Determine trip distribution percentages using Appendix 2 of the LATR Guidelines. Provide sources and justification for any proposed changes to listed distributions.

Include a map and a list or table as an attachment.

See Appendix 2 of the LATR Guidelines for detailed guidance and trip distribution percentages.

☐ Trip Distribution graphic(s) attached

Pipeline Developments

Background Conditions

List all approved but unbuilt developments or concurrently pending applications in the vicinity of the study area. Include project name, plan number, land uses, and densities.

See Montgomery Planning's [Development Pipeline](#) webpage for info.

Additional Analysis

Indicate any anticipated site-specific analysis, including analysis type, location, and software type.

Additional analysis may be requested after LATR Study submittal.

See 3.C2 of the LATR Guidelines for information.

☐ Queuing Analysis ☐ Signal Warrant Analysis ☐ Weaving/Merge Analysis ☐ Crash Analysis

Location(s) and software requirement(s) for each analysis. Provide explanations as needed:

End of Part E. Go to Part F: Mitigation.

Part F: Mitigation

Only to be completed by Applicants of projects with an LATR Study Required. The purpose of this section is to highlight Montgomery Planning's approach to mitigation and to identify the Proportionality Guide amount, which represents a guiding upper limit for the cost of mitigation. Any mitigation strategies discussed at this stage and included in the *Transportation Adequacy Form* are considered non-binding until formally evaluated in the LATR Study and committed to as a condition of a development approval.

Proportionality Guide Amount

Calculate the estimated Proportionality Guide Amount. This is for informational purposes only and is subject to change.

See 4.A of the LATR Guidelines for instructions.

To calculate the estimated Proportionality Guide Amount, multiply the Net New Daily Motor Vehicle Trips (found in Part B) by the Proportionality Guide Rate. The Guide Rate is \$765, as of January 1, 2025.

Proportionality Guide Amount: [Click to enter text.](#)

Cost Estimation Tool Version Expected to be Used for Mitigation Cost Estimates: [Click to enter text.](#)

Potential Mitigation Strategies

(Optional)

Describe any potential mitigations that are under consideration or master-planned within the study boundary. This is for informational purposes only and subject to change. The completed LATR Study must detail all proposed mitigations.

See 4.B of the LATR Guidelines for mitigation priorities.

End of Part F. **Go to Acknowledgements.**

Acknowledgements and Topics for Discussion

For All Applicants

- The Applicant must comply with all other requirements of the *LATR Guidelines* not listed on this form.
- **Before submitting a development application or initiating an LATR Study**, projects requiring an APF finding must have this form approved by Montgomery Planning and other agencies applicable to the project context.
- **If the development proposal significantly changes** after this form has been approved, the Applicant must amend the form and receive a new approval.

For LATR Study Required projects

- **To make changes to the trip generation and/or trip distribution methodology** between the approval of this form and the LATR Study submittal, the Applicant must amend this form and receive Planning staff concurrence.
- **If physical improvements are proposed as mitigation**, the LATR Study must demonstrate feasibility with regards to right-of-way and utility relocation (at a minimum).
- **A receipt from MCDOT** showing payment of the LATR Study review fee must be included with the LATR Study submittal.
- **Traffic model files (Synchro, VISSIM, etc.)** must be sent to MCDOT and SHA, when applicable.
- **Intersection counts and pedestrian and bike data verification data** must be uploaded to Montgomery Planning's database.
- **An electronic copy of the LATR Study** and appendices must be submitted to [ePlans](https://ePlans.montgomeryplanning.org) and sent to Planning staff via transportation.review@montgomeryplanning.org.

☒ The Applicant acknowledges Montgomery Planning's policies listed in this form and described in the *LATR Guidelines*.

Describe any additional assumptions, special circumstances, or other topics for discussion not covered by this form:

Submit the completed form to transportation.review@montgomeryplanning.org

End of form.

Project Name -- Form Submission Date

Proposed Daycare Net Trip Calculations:

Per the ITE Trip Generation Manual 11th Edition, based upon the Planning Staff's provided worksheet

Total AM Trips = 55 Trips

Total PM Trips = 54 Trips

The Directional Distribution for a Daycare in the AM is 53% Enter and 47% Exit.

AM Entering Trips: $55 \times .53 = 22.26 = 29$ **Entering Trips**

AM Existing Trips: $55 \times .47 = 19.74 = 26$ **Exiting Trips**

The PM Directional Distribution is 47% Enter and 53% Exit.

PM Entering Trips: $54 \times .47 = 25$ **Entering Trips**

PM Exiting Trips: $54 \times .53 = 29$ **Exiting Trips**

North Bethesda Policy Area Adjustment Factor = 83%.

Total Policy Area AM Trips: 55 Trips $\times .83 = 46$ **AM Trips Total**

Total Policy Area PM Trips: 54 Trips $\times .83 = 45$ **PM Trips Total**

Total Policy Area Daily Trips: 148 Trips $\times .83 = 123$ **Trips Total**

Net New Trips Calculations:

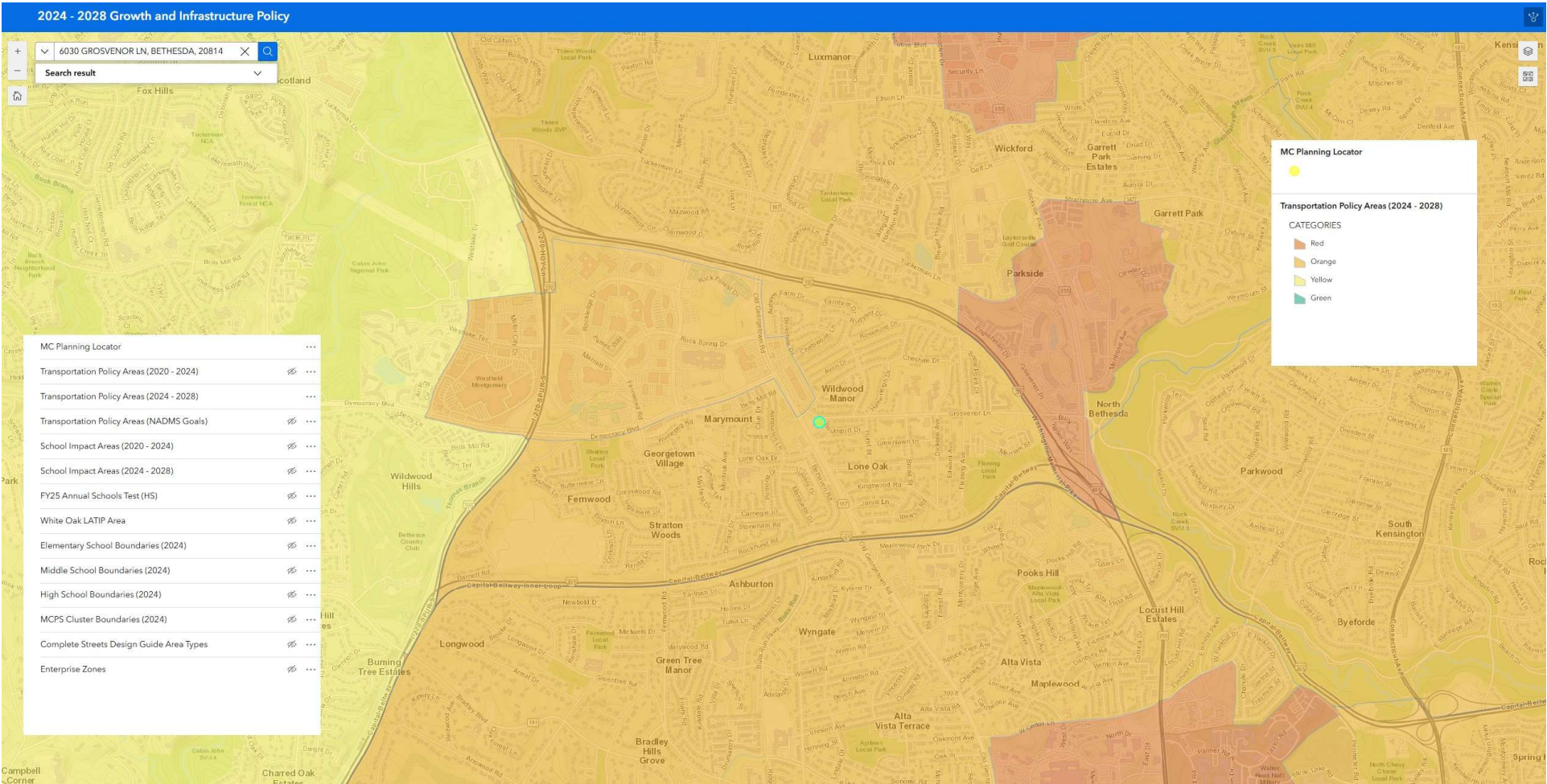
Net New Trips (AM): = **46 Net AM Trips**

Net New Trips (PM): = **45 Net PM Trips**

Net Daily Total Trips = **123 Net Daily Total Trips**

ITE Trip Generation Manual				
Proposed Daycare	AM Peak Period		PM Peak Period	
Average Trip Rates	Based on Planning Staff WS		Based on Planning Staff WS	
	Enter	Exit	Enter	Exit
Directional Distribution	53%	47%	47%	53%

2024-2028 Policy Growth Area Map
North Bethesda Policy Area



ATTACHMENT E

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case Nos. S-1622 and S-1624

PETITIONS OF ST. LUKE'S HOUSE, INC.

RESOLUTION TO REINSTATE RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted May 7, 1996)

(Effective date of Resolution, May 13, 1996)

On April 26, 1996, the Board received correspondence from Joan Petersen Clement, Executive Director, St. Luke's House, Inc. and Dr. Pushpa Thadani, an adjoining property owner. Their letter states, in part:

"In February, Dr. Thadani wrote to you requesting a public hearing concerning St. Luke's House's Greenhouse addition. The concern ... involved the traffic of people who cut across the side and backyards from Old Georgetown Road. ... St. Luke's House and Dr. Thadani have discussed these concerns. It was mutually decided that the construction of a privacy fence would solve this concern. ...

"Therefore, I, Dr. Pushpa Thadani, withdraw my objection to the approval of the St. Luke's House greenhouse and request that the ... Board reinstate the approval of the greenhouse."

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced cases finds that the request to reinstate the Resolution of the Board adopted November 15, 1995, can be granted.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case Nos. S-1622 and S-1624, shall be and hereby are reopened to receive the following exhibits: Ms. Clement's and Dr. Thadani's letter, with attachment, received April 26, 1996; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may construct the proposed greenhouse on the side of the wing, as shown on the revised site plan submitted with petitioner's request for modification dated October 30, 1995; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, except as modified herein, all terms and conditions of the original special exception granted the 23rd day of August, 1989, shall remain in full force and effect.

The subject property is Lot A, Block B, Wildwood Manor Subdivision, located at 6030 Grosvenor Lane, Bethesda, Maryland, in the R-60 Zone.

On a motion by William S. Green, seconded by Allison Bryant, Susan Turnbull, Judy Clark and Helen Strang, Chairman, in agreement, the Board adopted the foregoing Resolution.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 13th day of May, 1996.



Tedi S. Osias
Executive Secretary to the Board

NOTE: Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case Nos. S-1622 and S-1624

PETITIONS OF ST. LUKE'S HOUSE, INC.

RESOLUTION TO SUSPEND BOARD'S RESOLUTION
TO MODIFY SPECIAL EXCEPTION

(Resolution adopted February 28, 1996)

(Effective date of Resolution: March 29, 1996)

The Board has received a letter dated February 11, 1996, from Pushpa V. Thadani, objecting to the action taken by the Board at its November 14, 1995, worksession. That action was made official in the Board's January 31, 1996, Resolution, modifying the special exception to permit construction of a previously-approved greenhouse in an alternate location. Therefore,

Based on the foregoing, and having received the above-referenced correspondence in a timely manner in accordance with the provisions of Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the Resolution to Modify the Special Exception entered in the Opinion Book of the Board of Appeals on the 31st day of January, 1996, shall be, and hereby is suspended.

If the holder of the special exceptions wishes to pursue the requested modification, it will be necessary for the applicant to file the necessary documents and a public hearing will be scheduled.

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that all terms and conditions of the original special exception and any modifications thereto shall remain in full force and effect.

The subject property is Lot A, Block B, Wildwood Manor Subdivision, located at 6030 Grosvenor Lane, Bethesda, Maryland, in the R-60 Zone.

The foregoing Resolution was proposed by William Green and concurred in by Judy Clark, Allison Bryant, Susan Turnbull and Helen Strang, Chairman.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 29th day of March, 1996.



Tedi S. Osias
Executive Secretary to the Board
3239:4

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
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Case Nos. S-1622 and S-1624

PETITIONS OF ST. LUKE'S HOUSE, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted November 14, 1995
(Effective date of Resolution, January 31, 1996)

On October 30, 1995, the Board received correspondence from Joseph A. Lynott, petitioner's attorney, which states, in part:

"At the time the special exception was granted, the approved plans called for the construction of a greenhouse at the end of the southwest wing of the building, as depicted on the ... plat. Because of financial constraints, the greenhouse was never constructed.

"St. Luke's House, Inc. is now in a position to finance the construction of the greenhouse, but would like to relocate it to the side of the wing, as shown on the ... plat. The original location was proved to be inappropriate because of its proximity to Old Georgetown Road, the large trees that now block the sun at that side of the building, and the current use of the existing space in the building. ..."

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the request can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic and on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case Nos. S-1622 and S-1624, shall be and hereby are reopened to receive the following exhibits: Mr. Lynott's October 27, 1995 letter and site plan; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may construct the proposed greenhouse on the side of the wing, as shown on the revised site plan; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, except as modified herein, all terms and conditions of the original special exception granted the 23rd day of August, 1989, shall remain in full force and effect.

The subject property is Lot A, Block B, Wildwood Manor Subdivision, located at 6030 Grosvenor Lane, Bethesda, Maryland, in the R-60 Zone.

On a motion by William S. Green, seconded by Allison Bryant, with Helen Strang in agreement, the Board adopted the foregoing Resolution. Judith B. Heimann and K. Lindsay Raufaste, who were members of the Board at the time of the decision, concurred in the foregoing Resolution. Susan Turnbull and Judy Clark, who were not members of the Board at the time of the decision, did not participate in the foregoing Resolution.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 31st day of January, 1996.



Tedi S. Osias
Executive Secretary to the Board

NOTE: Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case Nos. S-1622 and S-1624

PETITIONS OF ST. LUKE'S HOUSE, INC.

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted March 2, 1994)

(Effective date of Resolution, March 25, 1994)

The Board is in receipt of correspondence dated January 18, 1994, from Susan Landon, Human Resources Director, St. Luke's House, Inc., which states, in part:

"St. Luke's House would like to ... install a sign facing Old Georgetown Road behind our building. ... please find a drawing of the sign as well as a marked site plan showing the approximate location where it will be installed. ..."

The Board, after careful consideration of the correspondence and a review of the record, finds that the request can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic or on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that Case Nos. S-1622 and S-1624, Petitions of St. Luke's House, Inc., shall be and hereby are re-opened to receive the following exhibits, the originals to be entered into Case No. S-1922 and copies into Case No. S-1624; Ms. Landon's January 18, 1994, letter, Exhibit No. 19; rendering of proposed signage, Exhibit No. 19(a); and site plan showing location of signage, Exhibit No. 19(b); and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the petitioner may erect a 4' x 8' sign to be constructed in accordance with the rendering entered in the record as Exhibit No. 19(a) and in the location shown on the site plan, Exhibit No. 19(b); and

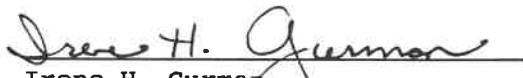
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner must apply for necessary permits from the Department of Environmental Protection for the proposed signage; and

BE IT FURTHER RESOLVED that, except as modified herein, all terms and conditions of the original special exception and any modifications thereto, shall remain in full force and effect.

The subject property is Lot A, Block B,. Wildwood Manor Subdivision, located at 6030 Grosvenor Lane, Bethesda, Maryland, in the R-60 Zone.

The foregoing Resolution was proposed by Helen Strang and concurred in by K. Lindsay Raufaste, Allison Bryant, Willaim Green and Judith Heimann, Chairman.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 25th day of March, 1994.


Irene H. Gurman
Clerk to the Board

NOTE

Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

Telephone
Area Code 301
217-6600

Case Nos. S-1622 and S-1624

PETITION OF ST. LUKE'S HOUSE, INC.

RESOLUTION TO EXTEND TIME TO IMPLEMENT SPECIAL EXCEPTION
(Resolution adopted September 12, 1990)

WHEREAS, the Board has received a letter dated August 17, 1990, from Joseph A. Lynott, attorney for the petitioner, which states, in part:

"On behalf of St. Luke's House Inc., I respectfully request a ... extension of time in which to implement the special exception.

"This request is based on the following grounds:

"Following the grant of the special exception, the applicant's architect completed the design of the final building plans and specifications. At the same time, the applicant filed an application with the Department of Environmental Protection for a waiver of on-site storm water management. The processing of the application for a waiver substantially delayed the processing of the building permit application.

"It is anticipated that the building permit will be issued within the next 60 days ... The applicant believes that construction will commence in early 1991.

And WHEREAS, based on the foregoing information, the Board finds that the request to extend the time to implement the special exceptions can be granted without changing the original grant of the special exception,

THEREFORE, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the record of Case No. S-1622 shall be, and hereby is re-opened to receive Mr. Lynott's letter; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the time for implementing the special exceptions in Case Nos. S-1622 and S-1624, Petition of St. Luke's House, Inc., shall be and hereby is extended nunc pro tunc to August 23, 1991.

All terms and conditions of the special exception granted the 23rd day of August, 1989, shall remain in full force and effect.

The subject property is Lot A, Block B, Wildwood Manor Subdivision, located at 6030 Grosvenor Lane, Bethesda, Maryland, in the R-60 Zone.

The foregoing Resolution was proposed by Howard Jenkins, Jr., and concurred in by K. Lindsay Raufaste, Helen R. Strang, William Green and Judith B. Heimann, Chairman.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 17th day of September, 1990.


Irene H. Gurman
Clerk to the Board

COUNTY BOARD OF APPEALS
for
MONTGOMERY COUNTY

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CASE NOS. S-1622 and S-1624

PETITION OF ST. LUKE'S HOUSE, INC.
(Hearing held March 29, 1989)

OPINION OF THE BOARD

S-1622 is an application filed pursuant to Section 59-G-2.21 of the Zoning Ordinance (Chap. 59, Mont. Co. Code 1984, as amended) to permit a charitable and philanthropic institution. The hearing was held in conjunction with S-1624, an application filed pursuant to Section 59-G-2.26 of the Zoning Ordinance to permit a group residential facility for housing exceptional persons.

The subject property is Lot A, Block B, Wildwood Manor Subdivision, located at 6030 Grosvenor Lane, Bethesda, Maryland, in the R-60 Zone.

DECISION OF THE BOARD:

Special Exceptions GRANTED with
conditions stated below.

Joseph A. Lynott, Esquire represented the applicant. His witnesses
were:

Jack van Dopp, a Landscape Architect and Land Planner
Phillip Silkey, Architect with the firm of Bucher, Myers, Polniaszek,
Silkey, and Associates, Inc.
Robert L. Morris, Traffic Engineer
Joan Peterson, Executive Director of St. Luke's House, Inc.
Rev. David Pollack, Pastor of St. Luke's Episcopal Church

John P. Dodge, a neighbor on Southport Drive, and Donald V. Wilson, president of the Wildwood Manor Citizen's Association presented concerns but were not opposed to the application.

THE APPLICANT'S CASE

Jack van Dopp who was qualified as an expert land planner testified that the property was 2.6 acres located in an R-60 zone on the east side of Old Georgetown Road. The property which fronts on Old Georgetown Road and Southport Drive, is served by public water and sewer. Currently the property contains St. Luke's Episcopal Church and a 75-car parking lot.

The site plan (Exhibit 16) shows the new facility will be located nearest to Old Georgetown Road. The building will be 30 feet high and contain 16,667 square feet. It has a FAR of 0.2. The building is set back to comply with all the standards of the zoning ordinance: 25 feet from the right-of-way of Old Georgetown Road and 40 feet from the Southport Drive right-of-way. The building will cover only 11% of the property.

Mr. van Dopp stated that the Southport entrance will continue as will the existing parking lot. The zoning ordinance requires 101 spaces for the new facility. St. Luke's is asking the Board to permit 79 paved spaces because their use is not concurrent with the peak usage of the lot by the church. Twenty-two spaces at the west end of the property could be left unpaved until a future need arises. In answer to a question from John P. Dodge of the Wildwood Manor Citizens Association about the adequacy of the present church lot, Mr. van Dopp stated that the present lot although paved is not stripped and hence may not operate in an efficient manner.

Phillip Silkey who designed the building, was qualified as an expert in architecture. The elevations and plans of the building are Exhibits 18-21. The entrance to the building is from the parking lot. The first floor contains three 3-bedroom residential apartments, conference rooms, and a central lobby. The second floor contains the administrative offices and additional conference facilities. The building will have a pitched roof of fiberglass shingle compatible with the residential area. The building will be constructed of earth-toned masonry. There will be wood doors, brass lamps, and insulating glass windows. Each apartment will have three bedrooms. In their front entrance will be closets; there is a powder room, a full bath, kitchen, and a living room-dining room combination. A patio area will be shared by all three units.

Robert Morris, who was qualified as a traffic expert, testified that the present road access to the property is safe and adequate. His analysis of the traffic situation surrounding the property is Exhibit 23.

The critical intersections nearest to the subject property are Old Georgetown Road and Cheshire Drive, which has a level of service of C in the AM peak hours and F in the PM peak hours, and Old Georgetown Road and Democracy Boulevard, at which the level of service is B in the AM peak hours and F in the PM peak hours. The site is served by buses on Old Georgetown Road and a Ride-On bus on Grosvenor Lane that goes to the Grosvenor Metro stop.

He stated that the new facility would have 33 employees, an increase of 13 from the number currently employed on the site. These new employees would add 3 evening peak hour trips to the critical intersections, an imperceptible increment. Almost none of the residents will own cars. His conclusion was that the new facility on the property would have no impact on traffic operating conditions.

Mr. Morris stated that the property did not meet the requirement of Section 59-G-2.21(a)(9) that requires charitable organizations to front on "a public road built to arterial or higher standards." In response to a question from the Board, Mr. Morris stated that access to Old Georgetown Road from the property would be a disadvantage as the traffic, which would enter in close proximity to the light at Old Georgetown and Cheshire, would interfere with traffic on Old Georgetown. In addition, trees need to be cut down and such an entrance might lead to cut-through traffic into the neighborhood. He stated that he saw no reason for the current provision in the Zoning Ordinance that requires charitable institutions to be located on arterial roads. He thinks that a collector road or primary road can serve just as well providing it is not a residential street.

Joan Peterson, the Executive Director of St. Luke's House testified that St. Luke's House is a nonprofit corporation that provides comprehensive rehabilitation services to adults who have had long term mental illness. It assists them to live responsible, independent lives in the community by providing them with training, counseling, needed skills, and a supportive living environment. Individuals usually remain in the program for 2-3 years.

In answer to a question from Mr. Dodge, Ms. Peterson stated that about 56% of residents currently in St. Luke's facilities have jobs. She expected a similar proportion for the new housing. Currently it can serve up to 80 residents at one time in 5 group homes, 13 apartments, and 2 townhouses located throughout Montgomery County.

Clients are carefully screened to assure that they are not at risk of violence to themselves or others and are monitored to insure their continued ability to function successfully in a community setting. The success of the program is due chiefly to St. Luke's careful and comprehensive assessment/intake process and its dedicated, competent counseling staff.

St. Luke's plans to build a new facility that will house 9 residents and one or two counselors in three 3-bedroom apartments. In addition the new facility will house the administrative offices that are currently in the basement of the church. When the facility is completed and fully occupied, 33 people will be employed fulltime at the facility. Forty-three other employees will be employed at off-site locations. The administrative offices will operate between 9:00 a.m. and 5:00 p.m. Monday through Friday. During those hours approximately 34 clients will receive independent-skills counseling in the offices. Three evenings per week supervised recreational activities for less than 10 clients and 2 counselors will be held. Some administrative meetings may be held in the evenings, and some Saturday and Sunday activities may occasionally take place.

Less than 5% of the current residents own cars; it is expected that the same ratio will apply to the residents of the new facility. Most clients use public transportation, which exists in adequate supply adjacent to the site.

Rev. David Pollack, pastor of St. Luke's Episcopal Church, discussed other activities that go on on the church's property; church services, YMCA exercise classes, Alcoholics Anonymous programs, meetings of Parents Without Partners, Wildwood Citizens Association, but no nursery school or daycare programs. In response to questions about parking, he stated that funerals often drew many attendees, some of whom parked on the street. He also stated that people often parked on the street even when there was space available in the parking lot.

He stated that there was no financial connection between the church and St. Luke's House. The church was leasing the land to St. Luke's House but had no proprietary interest in it. He stated that the new facility would benefit the church in as much as it would free up space in the church basement. However, no new activities were planned that would require additional parking.

Two residents of St. Luke's facilities and the mother of a resident testified about the benefit the program had been to them.

The Board also received many letters in support of the application.

Donald Wilson, president of the Wildwood Citizens Association, stated that the Association had no objections to the proposal which had been outlined to them by St. Luke's House a year ago. They had some questions about landscaping and the adequacy of the parking proposal.

Mr. John Dodge who lives on Southport Drive said that when cars are parked on both sides of the street only one lane is available for traffic. He thinks the St. Luke's program is a fine one and he supports it. However, he wants the full 101 parking spaces built. Mr. Dodge said he was also speaking for Marc Leager of Southport Drive who was concerned about adequate screening of the parking lot on that side.

Mr. Lynott suggested that if the parking waiver were granted, St. Luke's House would meet with the executive committee of the citizens association six months after the facility had opened and would install the remaining spaces if the association desired them. Mr. Dodge stated he appreciated that offer.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Technical Staff at the Maryland-National Capital Park and Planning Commission recommended approval with conditions (Exhibit No. 24, S-1624).

FINDINGS OF THE BOARD

The Board finds that the applications meet all of the general requirements for special exceptions listed in Section 59-G-1.21 in that:

1. They are permissible special exceptions in the R-60 zone.
2. They are consistent with the general plan for the area.
3. They will be in harmony with the general character of the neighborhood considering population, density, scale and bulk of the proposed structure, the intensity and character of the activity, the traffic and parking conditions, and the number of similar uses.
4. They will not be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties or the general neighborhood and will cause no objectionable noise, fumes, odor, dust, or other physical activity.
5. They will not, when evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, increase the number, intensity, or scope of special exceptions sufficiently to affect or alter the predominantly residential nature.

6. They will not adversely affect the health, safety, security, morals, or general welfare of the residents, visitors, or workers in the area.
7. They will be served by adequate public services and facilities.

The Board also finds that the application meets all the requirements of Section 59-G-2.26 for a group residential facility for housing exceptional persons in that:

1. It will not constitute a nuisance because of the number of residents, noise, vehicle traffic or parking or any other type of physical activity.
2. There are not other group homes in the neighborhood.
3. The property is of sufficient size to accommodate the proposed number of staff and residents.

In regard to the requirements of section 59-G-2.21 concerning the requirements of charitable or philanthropic institutions, the Board finds that:

1. St. Luke's House, Inc. is a private non-profit organization whose primary function is to provide health, recreational, and benevolent services.
2. The property and the building will meet the standards of the zoning ordinance:

The lot is 2.6 acres.

The proposed building will have twice the minimum R-60 zone side yard requirements.

The lot has at least a 60-foot frontage requirement.

The green area will be 50% of the lot.

The maximum FAR of the building is 0.2.

The lot coverage is 11%.

The building is 30 feet high.

There is adequate parking. The parking for a charitable and philanthropic institution must meet the requirements for a general office building. The 79 spaces which St. Luke's proposes to construct immediately will meet that requirement. In addition, space for 22 additional cars is available.

3. As for the requirement of Section 59-G-2.26(a)(9) that the facility must front on and have direct access to a public road built to arterial or higher standards, an amendment to that section passed by the County Council on April 4, 1989 and signed into law on April 15, 1989 gives the Board the authority to waive that requirement if "the special exception is for the use of a new building to be located on the property of an existing charitable philanthropic institution." The location of St. Luke's House on the grounds of St. Luke's Episcopal Church meets that requirement.

To grant the waiver the Board must find that the road access will be safe and adequate for the anticipated traffic to be generated and that the special exception complies with the general conditions stated in Section G-1.21. Because this application meets all of the conditions for the waiver, the Board grants the waiver to Section G-2.26(a)(9)(c).

Therefore, the Board grants the special exceptions to petitioner only with the following conditions:

1. Petitioner is bound by all testimony and evidence in the record.
2. The group home will contain 9 residents in three 3-bedroom apartments and 2 counselors on evenings and weekends.
3. The hours of operation of the administrative offices will be 9:00 a.m. to 5:00 p.m. Monday through Friday.
4. A maximum of thirty-four clients may receive counseling in the offices during office hours.
5. A maximum of thirty-three fulltime employees will work at the site.
6. Supervised recreational activities may be held a maximum of three nights a week.
7. Some administrative meetings may be held in the evenings and occasionally activities may occur on Saturdays and Sundays.
8. A landscape plan with adequate screening, especially for the Southport Drive parking area, and a lighting plan must be submitted to the Technical Staff of Park and Planning for review and approval. Once approved, two copies of the approved plans will be sent to the Board for inclusion in the file. Once installed the landscaping will be adequately maintained and replaced as necessary.
9. A parking plan for 79 spaces must be submitted to Park and Planning for review and approval. Two copies of the approved plan will be sent to the Board for its files.

10. The need for the remaining 22 parking spaces will be examined by St. Luke's House and the Wildwood Manor Citizens' Association after the facility has been functioning for six months.

The Board adopted the following Resolution:

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above entitled petition.

The foregoing Resolution was proposed by Howard Jenkins, Jr., and concurred in by Helen R. Strang, K. Lindsay Raufaste and Judith B. Heimann, Chairman. Max H. Novinsky was necessarily absent and did not participate in the foregoing Resolution.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 23rd day of August, 1989.


Irene H. Gurman
Clerk to the Board

NOTE: See Section 59-A-4.53 of the Zoning Ordinance regarding the twelve-months' period within which the right granted by the Board must be exercised.

See Section 59-A-3.2 of the Zoning Ordinance regarding Use and Occupancy Permit.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.