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Martin L. Grossman, Esquire
Hearing Examiner
Office of Zoning and Administrative Hearings
Montgomery County, Maryland
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

Via Hand Delivery

Re: Child Day Care Special Exception No. 2781 (the "Special Exception");
Amendments to Special Exception

Dear Mr. Grossman:

On behalf of Gilmore-Brunett LLC, the applicant for the above-referenced Special Exception (the "Applicant"), we enclose amended copies of the following documents in support of the Special Exception: an amended Special Exception Site Plan, an amended Landscape Plan, an amended Illustrative Plan, a revised Land Planning Report, a revised Statement of Operations, a revised Transportation Management Plan, revised Architecture Plans (Floor Plans, Elevations, and Neighborhood Context/Perspective Plans), a Gilmore Drive Elevation Exhibit and a Traffic Study Addendum Memorandum (collectively, the "Revised Plans"). All of the above-listed documents are dated March 2011 and are also provided as pdf or Word documents on the enclosed disk. As referenced in the revised materials and in detail below, the Applicant has revised the Special Exception in response to the concerns raised by the Planning Staff, Planning Board and some of the neighbors. Therefore, the revised plans and reports include a reduced maximum day care enrollment and staff, a reduced building size and scale, an elimination of the underground garage and access to the garage, and the revisions to the site, parking lot, and proposed operations associated with such reductions.

As stated and shown in the Revised Plans, the proposed maximum enrollment for the child day care facility has been reduced by 22% from the original 120 children to 94 children, and the maximum staff consequently reduced from 25 to 20 staff. As demonstrated in the Traffic Study Addendum, this will reduce the projected maximum peak hour trips by 9 trips in the morning to 38 new trips, and reduce the trips in the evening by 11 less trips to 50 new trips. We reiterate the fact that while these projected trips do take into consideration the pass-by nature of the trips inherent to any child day care use in the County, the trips are anticipated to be less at this particular site given its down county location that is adjacent to a major highway with numerous transit options and adjacent to a dense single-family neighborhood that serves families with young children. Further, this Special Exception includes a Transportation

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Management Plan that will serve as both a communication tool for the neighborhood as well as a reminder to the parents and staff on parking and transportation matters.

In addition to the reduction in the maximum enrollment and staff, the Applicant has similarly reduced the building size and appearance in response to concerns. Although child day care buildings are inherently larger one-story buildings, not two-story like a single-family home, the building design adheres to the neighborhood context through use of similar building style and materials, by maintaining a smaller wing on the west side of the building that mimics a "sunroom", and by similarly reducing the scale of the building on the east side, which is closest to single-family homes, to appear as a rear or side addition to a home. This reduction in the building footprint to 5,608 square feet breaks down the scale of building with a smaller frontage along Gilmoure Drive, provides a reduced roof height for the new east "wing," and creates a new front yard area. The smaller building frontage remains set back over 95 feet from the property line along Gilmoure Drive, and the east side of the building is now approximately 85 feet from the closest home along Gilmoure Drive (and approximately 65 feet from the closest house on University Boulevard).

The Applicant has also eliminated the underground garage and driveway to the garage that had raised concern with the neighbors, both regarding appearance and the fear of the potential future adaption to use the garage with a different commercial use (although never proposed by Applicant nor permitted per the proposed conditions of approval). The former garage entrance area is now the yard area in front of the new east wing of the building, with a sidewalk and bike rack area. The parking layout has been reconfigured to create a convenient parking row in front of the building and to add a shade tree and pedestrian connection (and space reduction) to the parking row along Gilmoure Drive. The Applicant is requesting a waiver of 6 spaces that are currently required for the child day care use pursuant to the Zoning Ordinance; however, as noted in the original materials for the Special Exception, this use is not anticipated to generate the need for the full required spaces, particularly given this location that has convenient transit options for employees and pedestrian options for parents/caretakers in the neighborhood. The waiver is consistent with the reductions approved for recent day care uses in other areas of the County without these options that were based on the inherent staggered nature of the majority of the vehicles for child day care uses.

The revised Landscape Plan reflects the above-referenced building reductions and site improvements, and the associated landscaping enhancements. The portions of the site facing single-family homes to the south and east have maintained the significant proposed landscaping in the wide setback areas (and residential wood fencing on the eastern side property line). New trees and landscaping are similarly proposed on the other sides of the site in the play areas, along with the new street trees along the new sidewalks provided on the three street frontages. The lighting plan for the Special Exception will be similarly revised for the new building and

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layout and will remain at low levels with cut-off features that will not create glare (the revised Lighting Plan will be submitted separately in the near future, but we did not want to delay the submission of the enclosed Revised Plans).

It is also important to note the features and proposals the Applicant has kept in the Special Exception, particularly the Transportation Management Plan ("TMP"). The TMP adds parking and access requirements for the facility, and provides a reminder for parents and employees that drive to the site to remember the neighborhood context of the site, despite the convenient access off University Boulevard. Further, the TMP provides a contact for the neighborhood and structured format for meetings with the neighborhood for the first few years of operations (unless mutually agreed to be unnecessary to meet). The TMP also provides for an Annual Report to the Board of Appeals for the first few years of operations to provide the status of enrollment, staff, neighborhood meetings and any issues for the Board's review and public record. The TMP (along with the requirement to adhere to the Statement of Operations and Revised Plans) differentiates the proposed child day care Special Exception from a permitted use, and provides the additional community assurances for this unique site that is already limited in its neighborhood impacts with one frontage on a major highway and one facing a parking lot for an institutional use.

Thank you for your consideration of the Revised Plans in the record of this case in preparation for the April 15th hearing. Please do not hesitate to call if you have any questions.

Very truly yours,

LINOWES AND BLOCHER LLP



Anne Martin Mead

Enclosures

cc: Craig Kay, Gilmoure-Brunett LLC
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