
MEMORANDUM TO: Mayor and City Council
Planning Commission

FROM: Jasmine Forbes, Planner II

DATE: June 16, 2021

SUBJECT: Final Staff Analysis
SDP-8551-2020: 151 Lakelands Drive

APPLICANT/ DEVELOPER:
Stephen Eckert/William Gerald
Classic Group, LLC.
8120 Woodmont Avenue
Bethesda, Maryland, 20814

OWNER:
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151 Lakelands, LLC.
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TAX MAP REFERENCE: Map FS23, Block J – ID# 09-03309090

REQUEST:

Application SDP-8551-2020¹ has been filed requesting schematic development plan approval for the construction of a new one-story, 12,900 square foot, daycare/early childhood education building, with associated outdoor play area and parking lot.

¹ Exhibit #1

LOCATION:

The Subject Property is approximately 149,529 square feet and located at the corner of Great Seneca Highway (MD-119) and Lakelands Drive. The Property is addressed at 151 Lakelands Drive and zoned MXD (Mixed Use Development).



Location Map

BACKGROUND

The Applicants, Stephen Eckert and William Gerald, of Classic Group LLC., submitted Schematic Development Plan application SDP-8551-2020 for the construction of a new one-story, 12,900 square foot, daycare/early childhood education building. A consolidated joint public hearing for SDP-8551-2020 was held on May 3, 2021. During the course of the public hearing the following aspects of the proposed plan were discussed:

- Stacking and Queuing of Vehicles;
- Enrollment and Vehicle Traffic;
- Building Orientation;
- Environmental Impacts; and
- Noise Impacts

During the joint public hearing, there were six speakers from the public. The speakers echoed Council and Planning Commission's concerns related to stacking and queuing of vehicles and environmental impacts. Staff has also received outside correspondences from the public which are Exhibits 46-228 in the record.

At the conclusion of the hearing the Planning Commission announced, by motion, the closing of their record on 5pm, June 8, 2021 with recommendation scheduled for June 16, 2021. Subsequently, the Mayor and City Council announced by motion, the closing of their record 5pm, June 29, 2021 with policy discussion anticipated for July 19, 2021.

In response to the comments received during the Joint Public Hearing, the Applicant has submitted a response letter and exhibit which is labeled as Exhibits #229 and #230 in the application packet. Staff has also received outside correspondence from the public in support and in opposition of the project. Information presented at the May 3, 2021 meeting, including zoning and site plan history, public facilities and the application reviewed can be found in the Preliminary Background Report in Exhibit #231.

SCHEMATIC DEVELOPMENT PLAN PROPOSAL

As mentioned above, the Applicant is requesting approval to construct a new one-story, 12,900 square foot, daycare/early childhood education building and associated parking lot. The building will have a height of approximately twenty-six feet. The Applicant proposes to utilize an existing curb cut on Lakelands Drive as the ingress/egress to the Property.

The site plan also includes the following improvements:

- 10' x 27' Concrete dumpster pad and dumpster;
- Five foot concrete sidewalk to connect with the existing sidewalk on Lakelands Drive;
- New retaining wall to the south of the building; and
- Outdoor Play Area in the back of the building.

Site Plan History

To provide clarity to questions raised at the public hearing and in subsequent correspondence included in the record, Staff is of the opinion it is important to outline the entitlement history of the Subject Property.

The Subject Property is part of Lakelands Phase 1 Section 2 and was included on a Schematic Development Plan (SDP) approved by the Mayor & City Council on July 7, 1997. The approved Lakelands SDP included Kentlands Market Square and a total of 58,550 square feet of restaurant space, 6,000 of which were designated on the subject parcel at the Lakelands entrance. This 6,000 square foot restaurant was subsequently included on a Final Site Plan, which was approved by the Planning Commission on November 5, 1997. While SDP approvals never expire; Final Site Plan approvals can expire unless vested. In this situation, the Final Site Plan associated with the approved restaurant is vested because all but the 6,000 square foot restaurant associated with the final site plan has been completed.

Since these approvals to construct a restaurant on the site, no subsequent application has been filed with the City. If an application came in for a 6,000 square foot restaurant in substantial conformance with the approved Final Site Plan, the architecture would have to be approved by the Planning Commission and the City would be legally bound to process the Building Permit. This also would preclude the City from requesting an updated traffic statement since the approved vested site plan met the City's APFO requirements at the time. Lastly, the approved restaurant site plan also include abandonment and replacement of the forest conservation easements on the site to accommodate the new restaurant and related parking.

While a restaurant has never been constructed on the Subject Property, Staff is of the opinion that development on this site has always been envisioned since the inception of the Lakelands Community.

Stacking and Queuing of Vehicles

During the hearing, comments were raised about the existing vehicle stacking and queuing issues at the intersection of Lakelands Drive and Great Seneca Highway, and how the proposed development would further impact the traffic volume and circulation. As noted in the Applicant's response letter, eleven vehicles can be stacked on site between the entrance driveway and the parking lot. The Applicant is of the opinion based off the number of parking spaces provided and the length of the driveway vehicles will not backup onto Lakelands Drive. Staff concurs with the Applicant's response. The plan contains forty-six parking spaces and coupled with the approximate 219 foot length between the drive entrance and parking lot, is of the opinion that the Property contains ample parking and room for vehicle stacking to not cause a detriment to Lakelands Drive.

The plan was revised to further improve vehicle circulation and streamline vehicle maneuvering by redesigning the parking lot as one-way². Staff notes that the City Code does require a one-way module contain angled spaces. As such, a recommended condition of approval is included for the Applicant to revise the site plan to show angled spaces. Further site improvements included since the public hearing include a lane divide at the entrance to separate vehicles entering and exiting the site and designated employee parking spaces located to the north and west side of the parking lot with parent parking located closer to the building to further minimize pick up and drop off times. Staff supports the proposed changes and is of the opinion the revised parking lot layout will streamline drop-off and pick-up.

The Applicant also investigated ways to mitigate outbound and inbound conflicts along Lakelands Drive. Due to existing utilities and grades on the west side of Lakelands Drive, a separate deceleration lane coming inbound to the daycare entrance cannot be constructed. However it was determine that the radius of the driveway can be improved to allow smoother and quicker entrance onto the Subject Property. To improve the outbound traffic, the Applicant proposes to reduce the “elbow” and widening the east side of Lakelands Drive to increase the stacking capacity to twenty vehicles and eliminate the potential of conflicts with vehicles exiting the Subject Property. In the revised plans, it shows a preliminary sketch of a second right turn lane. While Staff finds that this could be an option, further collaboration with the Maryland Department of Transportation and Maryland State Highway Administration would need to occur to measure the feasibility of this second right hand turn lane as shown in the sketch. Staff is of the opinion a simpler solution would be extending the length of the right hand turn lane from Great Seneca Highway to the entrance of the subject site. This would benefit by increasing vehicle stacking capacity along Lakelands Drive and would reduce the chances of vehicles getting stuck behind other vehicles attempting to turn left into the subject site. Staff recommends a condition of approval that requires the Applicant to continue to work with Staff to finalize the final design of Lakelands Drive for final site plan review.

Staff has also received a number of complaints about the safety of the intersection at Great Seneca Highway and Lakelands Drive. In response to these concerns, Staff has reached out to the Maryland Department of Transportation to evaluate improving the Lakelands Drive and Great Seneca Highway intersection³. Staff had requested Maryland Department of Transportation to investigate the intersection of Great Seneca Highway (MD 119) and Lakelands Drive with the primary concern of the unprotected left turn movement from northbound MD 119 to westbound Lakelands Drive. There was also concern about the right turn movement from Lakelands Drive eastbound to southbound MD 119. The review of this intersection from the State will assist Staff and the Applicant to find solutions that will mitigate traffic movement and queuing at this intersection.

² Exhibit #230

³ Exhibit #232

Everbrook Academy Enrollment and Vehicle Traffic

During the hearing, Brian Birks of Everbrook Academy, noted that the site could accommodate 140 children and 25 staff, but noted that in other Everbrook Academy sites, the maximum number of enrollments is never achieved. The State of Maryland's ratios of instructor-to-children is the determining factor in how many children actually will be enrolled at Everbrook. The demographics of the surrounding neighborhoods and the age mix of the enrollees will also determine the actual number of children that will attend the site. Mr. Birks mentioned that a daily attendance of 75 children was not irregular for a facility this size.

In response to questions on if Everbrook Academy was able to calculate the number of "pass by" trips that are anticipated to occur, the Applicant has noted Everbrook does not have that level of detail. In its system Everbrook has 90,816 distinct families with active or pending children in its care. Out of the 90,816 families, 21,482 families have more than one active or pending child in Everbrook's care. The child occupancy rate per car visiting Everbrook can be expected to be approximately 1.23 children per vehicle.

Everbrook will begin to accept enrollees for class at 6:30 am. The arrival of children is generally determined by the parent's work schedule, so many of the drop offs occur between 6:30 am and 8:00 am. The greatest number of children arrive at the peak hour of 8:00 am to 9:00 am. As noted in the justification letter, Everbrook does not operate like a public or private school, where there is an influx of traffic stacking on the site. Everbrook has specific drop off and pick up protocols, so children are escorted in and out of the facility safely. Each child arriving at the Academy must be walked from a parked car into the facility where the child is signed in and then escorted to their classrooms. Assuming a conservation "turnaround time" of ten minutes, each designated parent parking space (at least 20 in number) can accommodate six drop off transactions per hour. Therefore the capacity of the entries available parking field is 120 parking spaces per hour. That number is more parking spaces that this facility will probably need during the entire day let alone during the three-hour arrival period. Staff concurs with the Applicant's response.

Lastly, the Applicant conducted an investigation of accident data at the intersection of Lakelands Drive and Great Seneca Highway. The traffic engineer reviewed accident data from 2015 – 2019 and concluded the following:

- 2 of the 17 intersection related crashes over 5 years were alcohol related
- 9 of the 17 crashes were either single vehicle or rear-end crashed with minor severity
- 4 head-on crashes were reported in 5-years, with one of the head on crash related to alcohol.
- The crash severity in all cases is "minor/no injury"

The accident pattern report does not indicate that this intersection operates at inherently dangerous levels. Although the accident statistics do not demonstrate that the intersection of Great Seneca Highway and Lakelands Drive operates in an unsafe or even deficient manner, there is a perception that the operation of the intersection is unsafe for driving. In the memo, it noted that one step to reduce left turn crashes at a signalized intersection is to remove the permissive left turn phase. However, the traffic engineers believes that based on the crash data this action is not necessary. With that said, Staff supports further evaluation for the removal of the permissive left turn and has reached out to Maryland Department of Transportation on this matter.

Building Orientation

As noted in the Applicant's response letter, the building's orientation and location was driven primarily by topographic considerations. Since the Subject Property is located at an elevation above the street grade of Lakelands Drive, the building needed to be sited in a manner that provide adequate distance for the entrance driveway to reach grade level of the building, which needs to be flat in order to meet Everbrook's requirements of no steps to enter and exit the building. Staff concurs with Applicant's statement and is of the opinion that the location of the building will not impact the visual view shed at the corner of Great Seneca Highway and Lakelands Drive. In addition to the architecture, the Applicant plans to maintain some of the existing tree line and provide new shade trees, ornamental trees and evergreen trees which will be a natural landscape screening between the rear of the building and Lakelands Drive.

Environmental Impacts

During the public hearing a question was raised about whether specimen tree #4 could be preserved. As noted in the Applicant's response letter, the tree cannot be saved due to its location near of the center of the site and it will be impacted by the proposed parking lot. Preservation of the tree would require the redesign and relocation of the building, outdoor space and access road, while maintaining the setback and dimension requirements.

Concerns were raised about the amount of trees being removed for the project. The Applicant is proposing to preserve 0.36 acres of forest area and provide 0.32 acres of reforestation area, which is more forest on the site than the Forest Conservation Law would normally require. Development of the Subject Property as a "stand alone" parcel of land under the Forest Conservation Law would have required preservation of less forest area than is occurring due to the directive from Staff to meet expected forest protection requirements set forth in the original approved Forest Conservation. As part of the afforestation efforts, the landscape plan will provide 23 shade trees, 14 ornamental trees and 44 evergreen trees. The approved Natural Resources Inventory/Forest Stand Delineation plan notes 2.78 acres on the Property is characterized as "pioneering" or "successional" vegetation which from an environmental point of view has lower value or importance than mature original growth woods. The trees that are to be removed are deemed to be inferior in quality that the mature forest that will be preserved. On the site plan, a conservation easement was identified to be

revised. The conservation easement was on the site plan for the Lakelands back in 1992, but it was never recorded in the plat for the property. The previous site plan which approved a restaurant use for this site had intended to dissolve the easement, but the restaurant was never developed. Easements can be dissolved or relocated in association with a site plan and precedent exists on the site for this.

Noise Impacts

At this stage of the application process, a noise study was not conducted or required due to the limited volume of outdoor activity anticipated at the proposed facility. The Applicant notes in the response letter that the City of Gaithersburg follows Montgomery County noise ordinance. Outside noise levels in residential areas cannot exceed 65 dBA for daytime and 55 dBA for the night time. The Applicant is familiar with studies conducted for private schools proposing outdoor recesses and found that 20 children playing outside generated noise at a level varying around 49 dBA at 150 feet from the noise sourced. When taking account for 125 children playing outside simultaneously, the average dBA was calculated to be between 57 dBA and 64 dBA depending on the proximity of surrounding property lines. Everbrook Academy will have phased recess periods during the day and given the distance between the outdoor play area and the closest residences, Everbrook does not believe that the noise generated by the children will exceed the limits established in the County's noise regulations. Staff agrees with the applicant's response and notes.

Staff Comments

Staff has reviewed the Applicant's response letter and is of the opinion that they have adequately addressed the comments raised by both the Mayor and City Council and Planning Commission. The Applicant has demonstrated that the proposed development will not impact the existing pedestrian circulation on the property or the adjacent properties. The development will not adversely affect the character of the surrounding properties. Development on the Subject Property has always been envisioned since the inception of the Lakelands Community. The proposed daycare use will be a complementary non-residential use within the residential area, which was envisioned in the 1997 Master Plan. Staff will continue to work with the Applicant and necessary agencies to assist in traffic mitigation at the intersection of Lakelands Drive and Great Seneca Highway.

STAFF FINDINGS, ANALYSIS AND RECOMMENDATION

FINDINGS:

Approval of SDP-8551-2020, by the City Council is dependent upon the findings required under § 24-160D.10(b) of the City Code. The following outlines the required findings and justifications for a City Council approval of application SDP-8551-2020.

(1) The plan is substantially in accord with the approved sketch plan:

The proposed daycare/early childhood building will be in accordance with the approved Sketch Plan. The Sketch Plan was approved as part of Rezoning Application Z-280, which divided the entire Lakelands into nine sections with varying land uses and densities. The Subject Property is located within Section 5 and designated to have Residential/Retail/Commercial/Institutional uses.

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone:

(a) Application SDP-8551-2020 will improve the Property with a daycare use, which is consistent with the approved Sketch Plan and the 1997 Master Plan.

(b) Application SDP-8551-2020 will provide a daycare use, which is similarly found within the Lakelands community.

(c) Application SDP-8551-2020 will preserve 0.36 acres of existing forest area and provide 0.32 acres of reforestation area, which is more forest on the site than the Forest Conservation Law would normally require.

(d) Application SDP-8551-2020 will contain building materials and design elements that will be compatible with the Lakelands community. The building will be clad in brick, fiber cement siding and stone, which are similar materials found within the Lakelands community.

(e) Application SDP-8551-2020 will not impact the community's use of the existing pedestrian trail and adjacent lake.

(3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration:

The Subject Property was included in the 1997 Master Plan, under Neighborhood Four, Study Area 4, Map Designation 18. The master plan recommended the properties to adopt the mixed residential land use designation, which contain uses such as restaurants, corner stores, day cares, etc. The master plan also recommend rezoning the properties to MXD. The Subject Property was not

included as a specific map designation in either the 2003 and 2009 Master Plans. The application proposes a 12,900 square foot, daycare/early childhood education building and the property is zoned MXD, which is consistent with the 1997 Master Plan recommendation.

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas:

The application is compatible and harmonious within the Lakelands community adjacent area, by providing a neighborhood scale daycare facility that will benefit the surrounding community. Daycare is a similar use found within the community. The proposed development will preserve 0.36 acres of existing forest area and provide 0.32 acres of reforestation area. The 1997 Master Plan had envisioned the Lakelands as a mixed-use traditional neighborhood development including residential uses and complementary non-residential uses, such as restaurants, corner store, daycare, etc. The parking lot and building will be setback and will not impact the adjacent properties.

(5) That existing or planned public facilities are adequate to service the proposed development contained in the plan:

This application complies with the City's adequate public facilities requirements, as follows:

1. **Traffic Impacts-** According to the submitted Traffic Impact Study, the proposed development will generate an additional 109 AM and 111 PM peak hour trips. The analysis concludes that there is sufficient transportation capacity to accommodate the proposed development. The traffic impact analysis has been reviewed and determined that the proposed development meets the adequacy criteria of the City of Gaithersburg Traffic Impact Study Standards and regulations.
2. **Adequacy of School Capacity-** The proposed development will be for a daycare use, therefore it will have no impact on the school system. The proposed development is exempt from the school test of the Adequate Public Facilities Ordinance.
3. **Water and Sewer Services and Public Utilities-** The Subject Property is currently served by Category W-1 and S-1 of Washington Suburban Sanitary Commission (WSSC) services.
4. **Fire and Emergency Services-** The property is located within a ten-minute response time of Station 3 (Rockville), Station 8 (Gaithersburg), Station 31 (Rockville) and Station 32 (Travilah).

- (6) That the development staging or phasing program if any, is adequate in relation to the provision of public facilities and private amenities to service the proposed development:

The construction of the daycare will be completed in one phase. Therefore, no staging or phasing is required for implementation of the plan.

- (7) That the plan, if approved, would be in the public interest:

The plan will enhance a vacant Property to facilitate a new amenity in the community. The daycare use will provide a beneficial and needed use to Lakelands and adjacent communities. The plan will not impact the community's enjoyment of the adjacent lake and pedestrian trail, which are proposed to be preserved. The plan will continue to explore ways to mitigate the existing traffic concerns at the intersection of Lakelands Drive and Great Seneca Highway. The development will also provide a larger tax base for the City to generate additional revenue that helps support a wider array of public programs, services, and improvements.

STAFF RECOMMENDATION

Staff is supportive of the submitted Schematic Development Plan SDP-8551-2020. The plan meets and accomplished the purposes, objective and minimal standards and requirements of the MXD Zone. Additionally, the proposed plan furthers the visions and goals of the 1997 master plan for the Lakelands by providing a complimentary use for the adjacent residential units. The Applicant has demonstrated that the proposed development will not impact the existing pedestrian circulation on the property. The development will not adversely affect the character of the surrounding neighborhoods. The plan will include 0.32 acres of reforestation area and preserve 0.36 acres of existing forest, which will provide an additional landscape buffer. The Applicant will continue to work with City Staff to mitigate existing traffic concerns along Lakelands Drive.

Staff recommends THAT THE PLANNING COMMISSION, BASED ON THE EVIDENCE AND TESTIMONY SUBMITTED TO THE RECORD AND THE FINDINGS IN THE FINAL STAFF ANALYSIS, RECOMMEND APPROVAL OF SDP-8551-2020, TO THE MAYOR AND CITY COUNCIL WITH THE FOLLOWING TWO (2) CONDITIONS:

1. Applicant to revised site plan to reflect the changes to the parking lot and Lakelands Drive, prior to final signature of the plans; and
2. Prior to final signature of the plans, applicant must submit plans demonstrating mitigation of vehicle stacking and circulation along Lakelands Drive.