



Mis Primeros Pasitos Family Day Care, Special Exception No. SE 14-03

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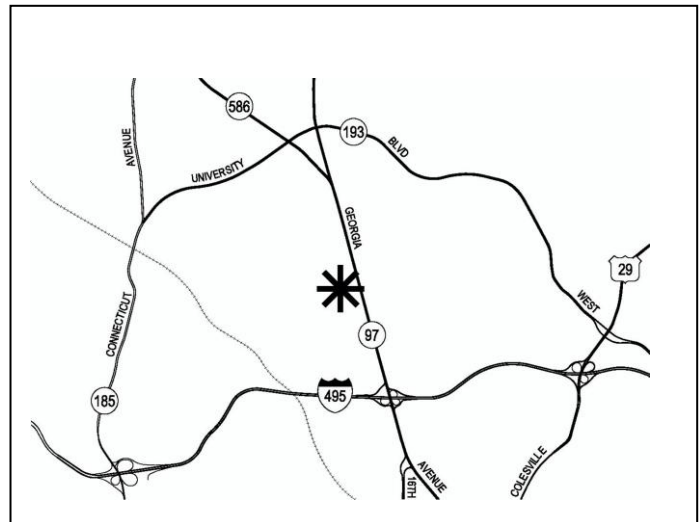
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Completed: 12/6/13

Description

- 2311 Dennis Avenue, Silver Spring;
- Approximately 9,162-square-foot lot;
- Request for a special exception to expand an existing family day care to a group day care from 8 to 12 children, under 59-G-2.13.1;
- R-60 Zone, 1989 *Communities of Kensington-Wheaton Master Plan*;
- No exterior building modifications are proposed;
- The public hearing by the Hearing Examiner is scheduled for January 13, 2014.



Summary

- The Applicant requests a reduction of the required off-street parking spaces from four to two. Staff supports the requested parking reduction.
- Staff recommends approval with conditions.

Conditions of Approval

Staff recommends the following conditions of approval:

1. Physical improvements are limited to those shown on the site plan and landscape plan submitted with the application (Attachment 1).
2. The proposed group day care is limited to 12 children ranging in age from 6 weeks to 6 years, and 2 non-resident employees.
3. The hours of operation are limited to Monday through Friday, 7:30 A.M. to 5:30 P.M.
4. The Applicant must seek approval from the Hearing Examiner for a reduction of two employee off-street parking spaces required under Section 59-E-3.7, Schedule of Requirements.
5. The Applicant must provide parental agreements for all children to the Hearing Examiner indicating that the drop-off and pick-up will be limited to no more than five per hour (not including children walked to the facility).
6. Outside play time may not start prior to 9:00 A.M.

Project Description

The Applicant, Humberto Losada, is requesting a special exception to expand his existing eight-child family day care facility to a group day care facility for 12 children. The Applicant has been operating the family day care at this location since 2011. He is now interested in expanding the family day care to a group day care for children six years old and younger.

The proposed group day care will be located on the main floor of the house, which is where the existing day care is currently located. The Applicant will continue to use the basement as his personal residence. The main floor of 727 square feet contains a kitchen, bathroom, eating and activities room, nap/quiet area room, a second nap room, and an indoor play area. Entrance to the day care is through the house's front door. There is an entrance to the kitchen and an entrance to the basement in the rear of the house.

The proposed group day care will be open from Monday through Friday 7:30 A.M. to 5:30 P.M. The Applicant currently uses a staggered parent drop-off and pick-up schedule to manage the parking needs. He intends to have a similar schedule for the proposed group day care between 7:30 A.M. and 8:30 A.M. for drop-offs and 4:30 P.M. and 5:30 P.M. for pick-ups. Currently, only three children are driven to the day care but in the future no more than five children are expected to use auto transportation.

The existing day care has a parking pad that contains two off-street parking spaces and on-street parking is available on both Dennis Avenue and Gardiner Avenue. During the day care's hours of operation, the parking pad is reserved for parent drop-off and pick-up and the Applicant and his staff park on the street. The Applicant expects that the day care will continue to attract families in the area so many of the children will live close enough to be walked to the day care by their parents. Furthermore, the area is well-served by public transit with multiple Metrobus routes.

The Applicant currently has two full-time staff members and the proposed group day care will continue to have only two staff members.

Site and Neighborhood Description

Site Description

The Site is located in the northeast quadrant of Dennis Avenue and Gardiner Avenue and is described as Lot 33, Block D of the Carroll Knolls Subdivision. The house's main entrance faces the intersection of Dennis Avenue and Gardiner Avenue. The Site has two walkways that lead to the front entrance. One is from Gardiner Avenue by the parking pad and the other is on Dennis Avenue. The Site has one other walkway from Dennis Avenue to the basement at the rear of the house. The walkways are paved with concrete and are well-lit. Ground lights are located near each path and along the stone wall. The front yard is well-landscaped with multiple shrubs, shade trees and outside furniture.

The play area is located in the rear of the property closest to Gardiner Avenue. It is fenced in with an approximately four-foot white picket fence along Gardiner Avenue, an approximately six-foot wooden privacy fence on the neighboring property to the north, and an approximate four-foot chain link fence to the east.

Figure 1: Aerial Photo of Subject Site



Neighborhood Description

The Staff-defined neighborhood is generally bounded by Evans Drive to the north, Darrow Street to the south, Douglas Avenue to the east, and Haywood Drive to the west. The neighborhood is zoned R-60 and composed of one-family residential properties.

There are two special exceptions in the Staff-defined neighborhood. An accessory apartment special exception at 2421 Homestead Drive granted in 1985, and a boarding house for 3 or 4 tenants at 2410 Dennis Avenue granted in 1976.

Figure 2: Staff-Defined Neighborhood



Analysis

Master Plan Conformance

The Site falls within the 1989 *Communities for Kensington-Wheaton Master Plan*. The Master Plan does not specifically discuss the Site, but its Community Facilities section notes a growing need for more child day care facilities in the area, and the Master Plan encourages the development of such facilities. One of its policies is to “Support efforts to utilize County zoning and development plan review processes to promote greater day care opportunities,” (p. 139). Furthermore, the Master Plan cites a 1987 Montgomery County Planning Board study which, “...suggested that none of the small-child care centers serving 7-20 children that were studied had a significant negative impact on the surrounding residential community,” (p.139).

Based on the language in the Master Plan, Staff believes that the proposed special exception for a group day care is consistent with the objectives of the Master Plan since it will increase the number of child day care facilities near major employment and commercial developments in the plan area.

Transportation Planning

Vehicular Access Points and Parking

The proposed group day care has its own parking pad that can accommodate up to two vehicles and on-street parking. Staff has visited the site to observe parking and agrees with the Applicant's written statements that the proposed expansion of the current facility should not create a problem with parking.

Available Transit Service

Transit service is not available on Dennis Avenue in this location, but Metrobus routes Q-2, Q-4, Y-5, Y-7, Y-8, Y-9, and Ride-On route 7 operate along nearby Georgia Avenue.

Pedestrian Facilities

There are sidewalks along both sides of Gardiner Avenue, including a sidewalk along part of the house's frontage. There is a sidewalk on the opposite side of Dennis Avenue.

Master-Planned Roadways

These sections of Dennis Avenue and Gardiner Avenue are secondary residential streets not listed in the 1989 *Master Plan for the Communities of Kensington-Wheaton*.

Local Area Transportation Review (LATR)

The proposed hours of operation, from 7:30 A.M. to 5:30 P.M., overlap the weekday morning peak period (6:30 A.M. to 9:30 A.M.) and evening peak period (4:00 P.M. to 6:00 P.M.).

The proposed special exception increases the number of children from 8 to 12 with no increase in the number of staff members. The trip-generation rates in the *Local Area Transportation Review and Transportation Policy Area Review Guidelines* are based on the number of employees, which will not change.

Since the proposed use will generate fewer than 30 total peak hour trips within the weekday morning and evening peak periods, a traffic study is not required to satisfy the LATR test. The proposal will not adversely impact the existing traffic conditions with the conditions of approval included at the front of this memorandum.

Transportation Policy Area Review (TPAR)

The proposed group day care is within the Kensington/Wheaton Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Kensington/Wheaton Policy Area is inadequate under the transit test, but adequate under the road test. Since TPAR takes into account only new trips generated by additional staff and children, the proposed expansion is estimated to generate one new peak hour trip, which is below the three new trips minimum needed to be subject to TPAR review. Therefore, no payment is needed to satisfy the TPAR test.

Environmental Planning

The Site contains no forest, streams, wetlands, or environmental buffers and is located in the Lower Rock Creek watershed; a Use I watershed. The proposed special exception is in compliance with the Environmental Guidelines, and it is not subject to Chapter 22A, Montgomery County Forest Conservation Law as the Site is less than 40,000 square feet in size (see Attachment 7).

Community Comment

Staff has not received any community comments on this case.

Standards of Evaluation

The Zoning Ordinance specifies standards for evaluating compliance with general and specific conditions that require analysis of inherent and non-inherent adverse effects. The first step in analyzing the inherent and non-inherent adverse effects of a special exception is to define the boundaries of the surrounding neighborhood, which is outlined in the Neighborhood Description section in this report.

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic and environment. Every special exception has some or all of these effects in varying degrees. What must be determined during the course of review is whether these effects are acceptable or would create adverse impacts sufficient to result in denial. To that end, 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 special exception.

The physical and operational characteristics necessarily associated with a child day care facility include: (1) vehicular trips to and from the site; (2) outdoor play areas; (3) noise generated by children; (4) drop-off and pick-up areas; and (5) lighting.

The proposed special exception will generate fewer than three new trips so it will not significantly impact traffic. The Applicant proposes to continue using the rear yard for the outdoor play area. The play area is adequate and limited noise will be generated by the additional four children on the site. Lighting and landscaping on the property are adequate. There are solar powered lighting fixtures along the front and both sides of the house as well as along the pedestrian walkways leading to the house. Wall-mounted fixtures are also located on every side of the house and near the entrances. The property is well landscaped with trees, shrubs, flowers, manicured lawn, and outdoor décor/furnishings.

There are no non-inherent adverse effects associated with this special exception proposal.

Conditions for Granting a Special Exception

a. 59-G-1.21 General Conditions

- a. *A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:*

(1) *Is a permissible special exception in the zone.*

Staff Analysis: A child day care use is permitted in the R-60 Zone as a special exception.

(2) *Complies with the standard requirements set forth for the use in 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.*

Staff Analysis: Based on the Applicant's submittal, the proposed use will comply with the standards and requirements of §59-G-2, subject to the Applicant receiving a reduction of required parking spaces, as necessitated by §59-G-2.13.1. As discussed in §59-G-1.23(b) section of this report, the on-street parking is sufficient to handle the increase of vehicles generated by this proposal.

(3) *Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.*

Staff Analysis: The Site falls within the 1989 *Communities for Kensington-Wheaton Master Plan*. The Master Plan does not specifically discuss the Site, but its Community Facilities section notes a growing need for more child day care facilities in the area, and the Master Plan encourages the development of such facilities. One of its policies is to "Support efforts to utilize County zoning and development plan review processes to promote greater day care opportunities," (p. 139). Furthermore, the Master Plan cites a 1987 Montgomery County Planning Board study which "...suggested that none of the small-child care centers serving 7-20 children that were studied had a significant negative impact on the surrounding residential community," (p.139). Based on the language in the Master Plan, Staff believes that the proposed special exception for a group day care is consistent with the

objectives of the Master Plan since it will increase the number of child day care facilities near major employment and commercial developments in the plan area.

- (4) *Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.*

Staff Analysis: The proposed group day care will be in harmony with the general character of the surrounding neighborhood. There are no exterior modifications being proposed to the one-family detached house, and the slightly increased intensity of activity, traffic, and parking conditions will not disrupt the neighborhood's residential character.

- (5) *Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Staff Analysis: The expansion of a family day care to a group day care will not create any objectionable adverse impacts to the area so it will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood of the Site.

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Staff Analysis: The proposed group day care facility will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the Site. Outdoor play time will be limited to approximately 20 minutes at 10:00 A.M. and 3:30 P.M. or 4:00 P.M. in the afternoon each day, with minimal or no disturbance to neighboring residences.

- (7) *Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.*

Staff Analysis: There are two special exceptions in the Staff-defined neighborhood. One is for an accessory apartment and the other for a boarding house for 3 or 4 tenants. Both of these special exceptions

were granted over twenty years ago and the existing neighborhood conditions show the area's residential character has been maintained. The addition of the proposed group day care will not adversely affect or alter the residential nature of the area.

- (8) *Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Staff Analysis: The proposed group day care will cause only a marginal increase in activity in the neighborhood, and therefore will not have any adverse effect on residents, visitors or workers in the area.

- (9) *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.*

A. *If the special exception use requires approval of a preliminary plan of subdivision the Planning Board must determine the adequacy of public facilities in the subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.*

B. *If the special exception:*

i. *does not require approval of a preliminary plan of subdivision, and*

ii. *the determination of adequate public facilities for the site is not currently valid for an impact that is the same as or greater than the special exception's impact;*

then the Board of Appeals or the Hearing Examiner must determine the adequacy of public facilities when it considers the special exception application. The Board of Appeals or the Hearing Examiner must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.

C. *With regard to public roads, the Board or the Hearing Examiner must further find that the proposed development will not reduce the safety of vehicular or pedestrian traffic.*

Staff Analysis: This Site is not subject to a Preliminary Plan of Subdivision and therefore, this special exception is reviewed under B, above. The available public facilities are adequate to serve the proposed group day care. With the recommended conditions of approval, the proposal will not reduce the safety of vehicular or pedestrian traffic as described below.

§59-G-1.23 General Development Standards (applicable subsections only)

- (a) **Development Standards.** *Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.21 or in Section G-2.*

Table 1: Applicable Development Standards – R-60 Zone

Development Standards	Required	Provided
Maximum Building Height: (§59-C-1.327)	35 feet	14 feet
Minimum Net Lot Area: (§59-C-1.322 (a))	6,000 sq. ft.	9,162 sq. ft.
Minimum Lot Width at Front Building Line (§59-C-1.322 (b))	60 feet	±95 feet
Minimum Lot Width at Street Line (§59-C-1.322 (b))	25 feet	±88 feet
Minimum Setback from Street (Dennis Ave): (§59-C-1.323(a))	25 feet	±29 feet
Minimum Setback from Street (Gardiner Ave): (§59-C-1.323(a))	25 feet	25 feet
Minimum Setback from Adjoining Lot: (§59-C-1.323 (b)(1))	8 ft. one side, 18 ft. sum of both sides	±11 feet on Dennis Avenue side, ±36 feet sum of both sides
Minimum Rear Yard Setback: (§59-C-1.323 (b)(2))	20 feet	±38 feet on Gardiner Avenue side
Maximum Building Coverage: (§59-C-1.328)	35%	10.93%
Off-Street Parking Requirement (§59-E-3.7)	Dwelling: 2 Employee: 2	2 off-street ¹ 2 on-street ¹

¹The Applicant is proposing to use on-street parking to satisfy the off-street employee parking requirement. This will require a parking reduction from the Hearing Examiner per §59-G-2.13.1.

(b) **Parking Requirements.** *Special exceptions are subject to all relevant requirements of Article §59-E.*

Staff Analysis: Article §59-E in the Zoning Ordinance requires that two off-street parking spaces be provided for a one-family dwelling and one space be provided for each non-resident day care employee. Therefore, this day care needs to provide four off-street spaces. The Applicant proposes to use the existing two off-street parking spaces on the site and have the employees park on either Gardiner Avenue or Dennis Avenue. In order to satisfy the required off-street parking spaces with on-street parking the Applicant will need a parking reduction from the Hearing Examiner, per section §59-G-2.13.1 (a)(2) of the Zoning Ordinance:

The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

- (A) existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required;*
- or*
- (B) a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;*

The Applicant is seeking a reduction of the off-street parking spaces pursuant to §59-G-2.13.1 (a)(2) because on-street parking spaces are available on the adjacent streets. The Applicant has submitted photographs showing sufficient parking available during the existing day care's hours of operation, which will be the same hours as the proposed group day care's hours (Attachment 5). Furthermore, Staff visited the Site and witnessed sufficient parking available on both streets during the parent drop-off and pick-up period and also witnessed an employee's vehicle parked on Gardiner Avenue.

Currently, five of the eight children who attend the day care are walked to the facility by their parents and the other employee uses nearby public transportation. The Applicant is expecting that most children will continue to come from the surrounding neighborhood and therefore states that the reduced parking needs will be met by on-street parking.

The Applicant expects that the most intense drop-off and pick-up periods will be during 7:30 A.M. to 8:30 A.M., and from 4:30 P.M. to 5:30 P.M. During those times parent drop-off and pick-up of children using auto transportation will be limited to five children in the hour.

Staff supports the Applicant's request for a reduction in on-street parking for two spaces.

(c) **Minimum frontage.** *In the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of section 59-G-1.21:*

- (1) Rifle, pistol and skeet-shooting range, outdoor;*
- (2) Sand, gravel, or clay pits, rock or stone quarries;*
- (3) Sawmill;*
- (4) Cemetery, animal;*
- (5) Public utility buildings and public utility structures, including radio and TV broadcasting stations and telecommunications facilities;*

- (6) Equestrian facility;
- (7) Heliport and helistop.

Staff Analysis: Not applicable. The proposed use is not one of the uses listed above. The Site's frontage exceeds the minimum frontage requirements of the R-60 Zone for both Dennis Avenue and Gardiner Avenue.

- (d) **Forest Conservation.** *If a special exception is subject Chapter 22A, the Board must consider the preliminary forest conservation plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.*

Staff Analysis: The Site is not subject to Chapter 22A Montgomery County Forest Conservation Law, because it is less than 40,000 square feet.

- (e) **Water quality plan.** *If a special exception, approved by the Board, is inconsistent with an approved preliminary water quality plan, the applicant, before engaging in any land disturbance activities, must submit and secure approval of a revised water quality plan that the Planning Board and department find is consistent with the approved special exception. Any revised water quality plan must be filed as part of an application for the next development authorization review to be considered by the Planning Board; unless the Planning Department and the department find that the required revisions can be evaluated as part of the final water quality plan review.*

Staff Analysis: This Site is not in a Special Protection Area so a Water Quality Plan is not required.

- (f) **Signs.** *The display of a sign must comply with Article 59-F.*

Staff Analysis: There are no signs on the property and the Applicant is not proposing to display any signs as part of this proposal.

- (g) **Building compatibility in residential zones.** *Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its siting, landscaping, scale, bulk height, materials and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.*

Staff Analysis: The proposed group day care is in an existing house that will not have any exterior modifications.

- (h) **Lighting in residential zones.** *All outdoor lighting must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:*

- (1) *Luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.*

(2) *Lighting levels along the side and rear lot lines must not exceed 0.1 foot-candles.*

Staff Analysis: There is existing lighting throughout the Site. Based on the information provided by the Applicant and a site visit, Staff concludes that direct lighting is not intruding into any adjacent residential property. Most of the lights on the property are located near the walkways and along the front yard, and have glare shields. Those closest to the neighboring property on the east are buffered by evergreen hedges. The four wall-mounted lights, one on each side of the house, are directed down to the property and have glare shields.

Conditions for Granting Child Day Care Facility (§59-G-2.13.1)

(a) *The Hearing Examiner may approve a child day care facility for a maximum of 30 children if:*

(1) *a plan is submitted showing the location of all buildings and structures, parking spaces, driveways, loading and unloading areas, play areas and other uses on the site;*

Staff Analysis: The Applicant has submitted site and landscape plans that satisfy these requirements (Attachment 1).

(2) *parking is provided in accordance with the Parking Regulations of Article 59-E.*

The number of parking spaces may be reduced by the Hearing Examiner if the applicant demonstrates that the full number of spaces required in Section 59-E-3.7 is not necessary because:

- (A) *Existing parking spaces are available on adjacent property or on the street abutting the site that will satisfy the number of spaces required; or*
- (B) *a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems;*

Staff Analysis: The Applicant is not meeting the off-street parking requirements of Article 59-E and is therefore requesting that the Hearing Examiner permit a parking reduction from four to two on-site parking spaces. As discussed in the General Development Standards section of this report (p.11), Staff agrees with the Applicant that there is sufficient on-street parking available to accommodate additional parking. On-street parking will not adversely affect the surrounding area or create a safety problem.

(3) *an adequate area for the discharge and pick up of children is provided;*

Staff Analysis: The site has a two-car parking pad reserved for drop-off and pick-up of children during the day care's hours of operation.

(4) *the petitioner submits an affidavit that the petitioner will:*

- (A) *comply with all applicable State and County requirements*
- (B) *correct any deficiencies found in any government inspection; and*
- (C) *be bound by the affidavit as a condition for this special exception*

Staff Analysis: The Applicant has supplied such an affidavit with the application materials. (Attachment 8)

(5) the use is compatible with the surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity. The Hearing Examiner may require landscaping and screening and the submission of a plan showing the location, height, caliper, species and other characteristics, in order to provide a physical and aesthetic barrier to protect surrounding properties from any adverse impacts resulting from the use.

Staff Analysis: As discussed above, there is adequate on-street parking and the proposal will not involve any exterior modifications. Therefore, no adverse impacts are expected from this proposed special exception. The proposed group day care will be compatible with the surrounding neighborhood and will not result in a nuisance because of traffic, parking, noise or type of physical activity.

Conclusion

The proposed special exception complies with the general conditions and standards of a special exception for a group day care facility, subject to the approval of a reduction in the number of required off-street parking spaces. The proposed use 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 with conditions.

Attachments

Attachment 1: Landscape and Lighting Plan

Attachment 2: General Location Map/Zoning

Attachment 3: Floor Plan Sketch

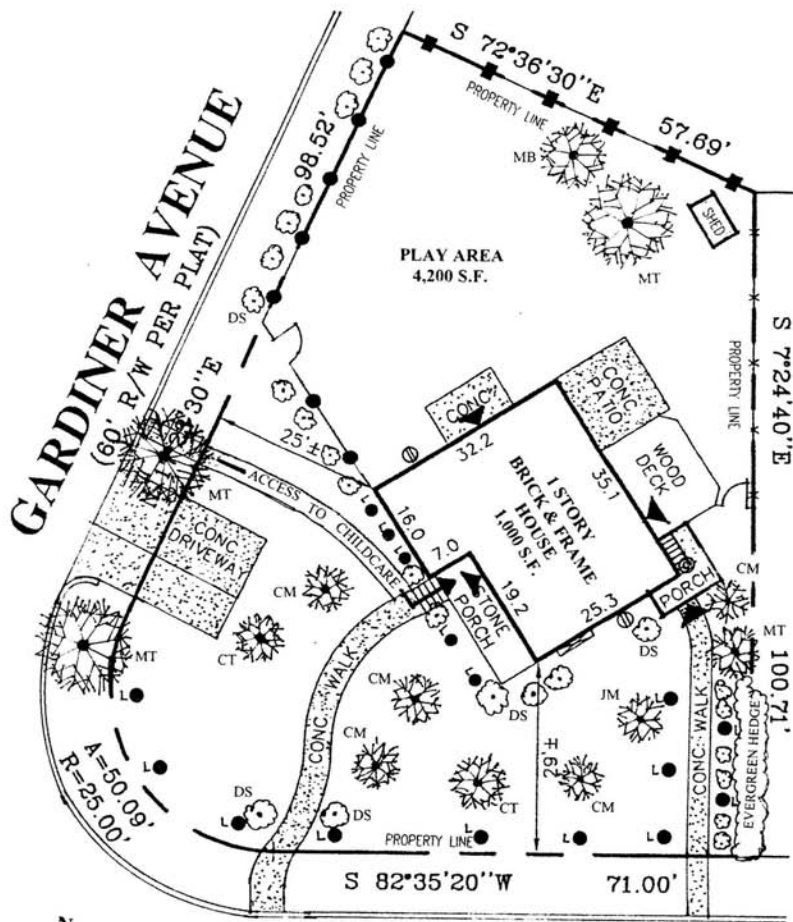
Attachment 4: General Site Photographs

Attachment 5: Photographs of On-Street Parking Conditions, submitted by Applicant (modified by Staff)

Attachment 6: Transportation Memorandum

Attachment 7: Forest Conservation Applicability for Special Exceptions

Attachment 8: Affidavit of Compliance



DENNIS AVENUE
(60' R/W PER PLAT)

LANDSCAPE LEGEND

- CM - CREPE MYRTLE
- MT - MAPLE TREE
- CT - CHERRY TREE
- JM - JAPANESE MAPLE TREE
- MB - MULBERRY TREE
- DS - DWARF SPRUCE

LIGHTING / POWER LEGEND

- ▼ WALL MOUNTED LIGHT FIXTURE (SWITCH CONTROL)
- ⊙ CEILING MOUNTED LIGHT FIXTURE (SWITCH CONTROL)
- SOLAR POWERED LANDSCAPE FIXTURE
- ⊕ ELECTRICAL OUTLET (DUPLEX)

LANDSCAPE & LIGHTING PLAN

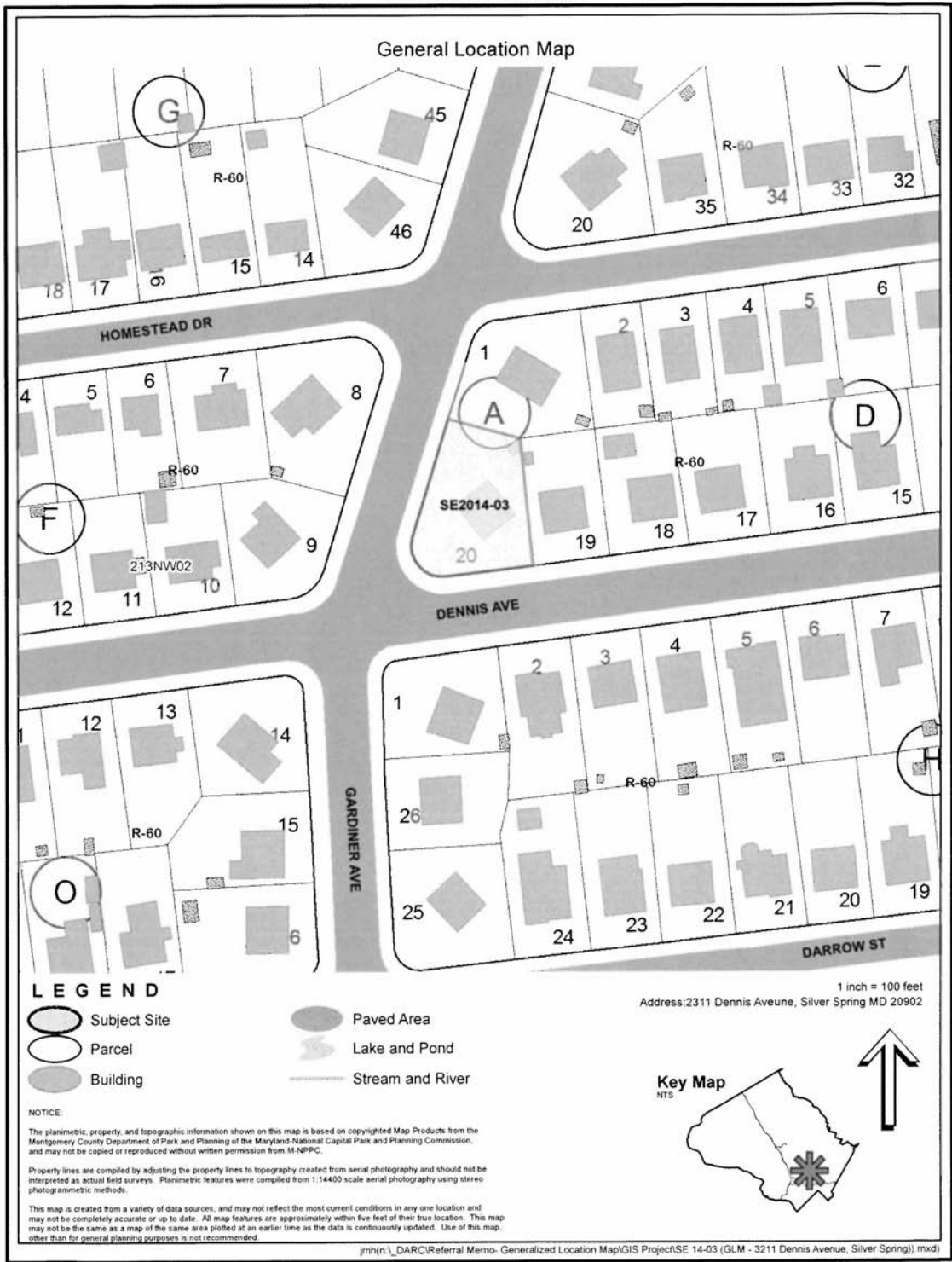
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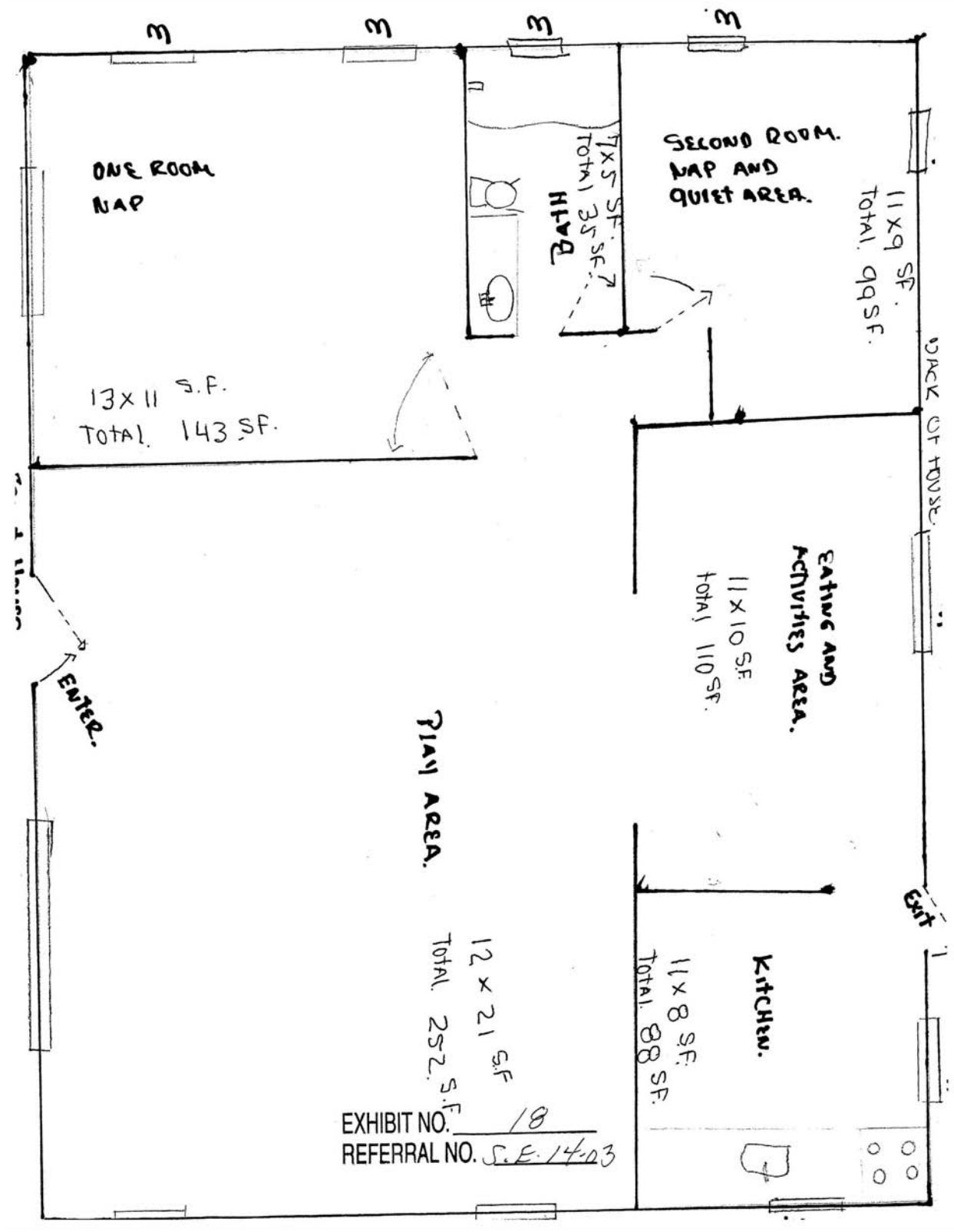
2311 DENNIS AVENUE
SILVER SPRING, MARYLAND

LOT 33 / 9,162 S.F.

EXHIBIT NO. 11
REFERRAL NO. S.G.14-03

Case No.:SE 14-03







Applicant Submitted Photos: Parking
Availability during Parent Drop-Off











MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 25, 2013

MEMORANDUM

TO: Crystal Myers, AICP, Senior Planner
Area 2 Planning Division

VIA: Khalid Afzal, Supervisor, Eastern County Team
Area 2 Planning Division

FROM: Marc Lewis-DeGrace, AICP, Planner
Area 2 Planning Division

SUBJECT: Mis Primeros Pasitos Family Daycare
Special Exception Case No. SE-14-03
2311 Dennis Avenue, Silver Spring
Kensington/Wheaton Policy Area

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Special Exception case. The Applicant is proposing to increase the number of children at the existing daycare from 8 to 12 and maintaining three employees, including the owner who lives onsite. The daycare is currently operated in a single-family, detached residential unit.

RECOMMENDATIONS

We recommend the following conditions as part of the APF test for transportation requirements related to the approval of the subject Special Exception:

1. The child day care facility must be limited to 12 children and two non-residential staff persons.

With the conditions above, transportation staff finds that the proposed Special Exception application satisfies the Local Area Transportation Review (LATR) and Transportation Policy Area Review (TPAR) tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities.

DISCUSSION

Site Location

The daycare is in an existing single-family, detached house located on the northeast corner of the intersection of Gardiner Avenue and Dennis Avenue, west of Georgia Avenue (MD 97) in Silver Spring.

Vehicular Access Points and Parking

The daycare has its own driveway that can accommodate up to two (2) vehicles and relies on on-street parking for additional cars. On-street parking is available on both sides of Gardiner Avenue. There is on-street parking available along both Gardiner Avenue and Dennis Avenue. Staff agrees with the Applicant's written statements, that there should not be a problem with parking as a result of the expansion of this existing daycare facility.

Available Transit Service

Transit service is not available Dennis Avenue, but six transit routes operate along nearby Georgia Avenue: the Metrobus routes Q-2, Y-5, Y-7, Y-8, Y-9, and Ride-On route 7.

Pedestrian Facilities

There are sidewalks along both sides of Gardiner Avenue, which provides a sidewalk along part of the house's frontage and the opposite side of Dennis Avenue.

Master-Planned Roadways

These sections of Dennis Avenue and Gardiner Avenue are secondary residential streets not listed in the 1989 *Master Plan for the Communities of Kensington-Wheaton*.

Local Area Transportation Review (LATR)

The proposed hours of operation, from 7:30 a.m. to 5:30 p.m., overlap the weekday morning peak period (6:30 to 9:30 a.m.) and evening peak period (4:00 to 6:00 p.m.).

The Applicant requests to increase the number of children from 8 to 12 with no increase in the number of staff members. The trip-generation rates in the *Local Area Transportation Review and Transportation Policy Area Review Guidelines* are based on the number employees, which will remain at two persons.

Since the total peak-hour trips would be fewer than 30 trips within the weekday morning and evening peak periods, a traffic study is not required to satisfy LATR test. The proposal will not adversely impact the existing traffic conditions with the recommendations included at the front of this memorandum.

Transportation Policy Area Review (TPAR)

The existing daycare center is located in the Kensington/Wheaton Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Kensington/Wheaton Policy Area is inadequate under the transit test, but adequate under the road test. However, since the proposed expansion is estimated to generate fewer than three (3) new trips, no payment is needed to satisfies the TPAR test.

MLDG

Office of Zoning and
SEP 17 2013
Administrative Hearings

Becky Adams

Environmental Planning Division

Montgomery County Park & Planning Dept. ♦ 8787 Georgia Ave., Silver Spring, MD 20910 ♦ 301-495-4540, fax: 301-495-1303

Effective 1/08

APPLICATION

Forest Conservation Applicability* for Special Exceptions

PROPERTY LOCATION

Street Address: 2311 DENNIS AV. SS MD 20902

Subdivision: CAYLOR CROSS Parcel(s) # _____ Lot #(s): 33 Block(s): D

Property Tax Identification Number: 01103985

Applicant (Owner or Contract Purchaser):

Name: Humberto Losada
Street Address: 2311 DENNIS AV.
City: SS MD State: MD Zip Code: 20902
Phone No.: (301) 722 4794 Fax No.: _____

TOTAL AREA OF PROPERTY: 9.162 acres 9,162 square feet

APPLICANT ATTESTS THAT THE FOLLOWING STATEMENTS APPLY TO THE SUBJECT SPECIAL EXCEPTION APPLICATION:

- The application applies to a special exception on a property of less than 40,000 square feet.
- No forest or individual trees will be disturbed.
- The property is not subject to a previously approved Forest Conservation Plan.
- The special exception proposal will not impact any champion tree as defined by the Montgomery County Forestry Advisory Board.

Signature of applicant (Owner or Contract Purchaser):

Humberto Losada
Signature

06 14 13
Date

M-NCPPC acknowledges that the special exception for the above property is not subject to the Forest Conservation Law as defined in Chapter 22A of the Montgomery County Code.

Signature of M-NCPPC Environmental Planning staff reviewer:

[Signature]
Signature

6/14/2013
Date

*This form may be used only if the property is less than 40,000 square feet in total area.

EXHIBIT NO. 13
REFERRAL NO. S.E. 1403

Office of Zoning and
SEP 17 2013
Administrative Hearings

AFFIDAVIT OF COMPLIANCE

I HEREBY CERTIFY that I will comply with and satisfy all applicable State and County requirements, correct any deficiencies found in any government inspection, and be bound by this affidavit as a condition of approval for the special exception.

I understand that if I fail to meet State or County requirements, this special exception may be declared invalid.

HUMBERTO LOSADA.
Petitioner *Humberto Losada*

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this 9th day of September, 20 13.

Dalila Campos

Notary Public

DALILA CAMPOS
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
My Commission Expires 10-20-2015

My Commission Expires: 10-20-2015

EXHIBIT NO. 7
REFERRAL NO. S.E. 14-03