



Special Exception Request SE-12-04, Buenos Amigos Daycare



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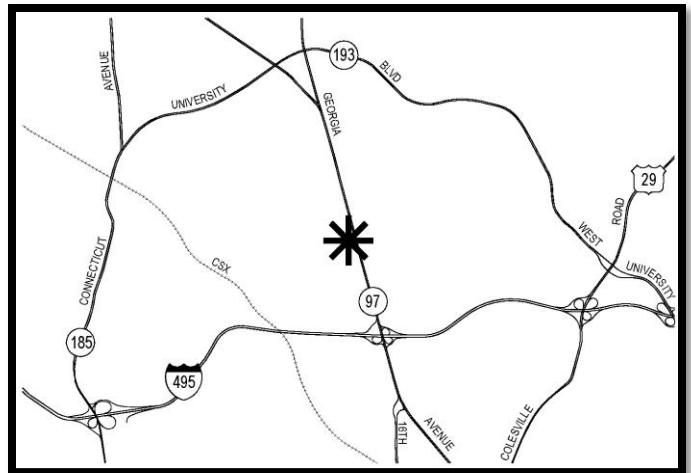
Completed 7/5/12

Notice Dates—not applicable

Description

- 10207 Douglas Avenue Silver Spring
- R-60 Zone, 1989 Master Plan for the Communities of Kensington-Wheaton
- Approximately 7,000 square foot lot area
- Applicant requests a special exception to expand an existing child daycare from 8 to 12 children, under §59-G-2.13.1
- No exterior building modifications are proposed

The public hearing is scheduled for September 13, 2012.



Summary

- The applicant requests a reduction of the parking standards, for the four required off-street spaces. 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 and landscape plan submitted with the application, as provided in Attachment 3.
2. The group daycare use is limited to 12 children and two non-resident employees.
3. The hours of operation are limited to Monday through Friday, 7:00 A.M. until 5:30 P.M.
4. The applicant must seek a reduction of four off-street parking spaces required under §59-E-3.7, Schedule of Requirements.
5. The applicant must provide a parental agreement to the Hearing Examiner, indicating the pick-up times of all children attending the daycare will be limited to no more than two pick-ups per half hour in the evening.

i. Project Description

The applicant, Maria Andrea Sideris, is requesting a special exception to expand an existing child daycare from eight to 12 children. Ms. Sideris has been operating a family daycare of eight children out of her home since 2006. The applicant is proposing to use all levels of her house for the daycare. The main floor includes a kitchen, dining, and learning/playroom (see Attachment 1). The existing learning/playroom is an addition built previously on the back of the house. Existing bedrooms on the main floor are used for the children's naps. The basement of the house is the infants' area, and includes a bathroom and play area. The applicant will continue to live in the house. The main entrance to the proposed daycare is through the front door of the residence. The door is illuminated with standard residential-type lighting (see Attachment 2).

The proposed hours of operation are Monday through Friday, 7:00 A.M. – 5:30 P.M. The applicant has stated that the drop-off and pick-up times are staggered, and generally are between 7:00 A.M.– 9:00 A.M. and 4:00 P.M. – 5:30 P.M. The applicant anticipates that 50% of the drop-off and pick-up of the children are on-foot and that at least two sets of children will be siblings. The applicant does not have a driveway, and typically the drop-off and pick-up occurs in front of the house on Douglas Avenue. The special exception site is accessible by multiple Metrobus routes, which run along Georgia Avenue, as well as the Forest Glen Metro Station and the Ride On bus routes.

The daycare currently has one staff member in addition to the applicant. If the petition to expand the daycare is granted, the applicant plans to hire one more employee with part-time hours. The applicant stated that the current employee does not drive to the site and uses the bus to arrive and depart. The non-resident employees are anticipated to have staggered arrivals and departures. The full-time employee will arrive at 7:30 A.M. and depart at 5:40 P.M.; the part-time employee will arrive at 8:00 A.M. and depart at 1:00 P.M.

The applicant requested a reduction to the parking requirements of §59-G-2.13.1(a)(2), which requires that the daycare provide parking for the residents and employees as defined in §59-E-3.7, Schedule of Requirements. As proposed, the applicant would need a total of four parking spaces: two for the residents and two for the non-resident employees. The reduction

requested is for all four spaces. Further analysis of the parking reduction can be found under section viii(b) (Development Standards) on page 9 of this report.

ii. Site and Neighborhood Description

The site is described as Lot 40, Block A, of the Carroll Knolls Subdivision. It fronts on Douglas Avenue and has a relatively flat front yard. Multiple shrubs and shade trees are along the front and sides of the property (see Attachment 3). The rear yard is flat and contains a play area for the children. The rear yard is enclosed with a 6-foot board fence. There are no sidewalks along Douglas Avenue, and there is adequate on-site lighting. Vehicular access to the site is via Douglas Avenue (see Figure 1). Access to the daycare use is by a concrete walkway from the street. There are no forests, streams, floodplains, wetlands or environmental buffers on the property.



Figure 1: Subject Property (10207 Douglas Avenue)

The neighborhood is generally bounded by Dennis Avenue to the north, Dexter Avenue to the south, Georgia Avenue (MD 97) to the east, and Gardiner Avenue to the west, and consists primarily of residential dwellings zoned R-60 (see Attachment 4). There are no non-residential uses within the staff-defined neighborhood. One special exception was granted within the staff-defined neighborhood, but has since been revoked due to abandonment of the use.

iii. Master Plan Conformance

This site is located within the boundaries of the 1989 *Master Plan for the Communities of Kensington-Wheaton*. The Master Plan does not contain any specific recommendations for this property or for the neighborhood. A major land use objective of the Master Plan is to “protect and stabilize the extent, location, and character of existing residential and commercial land uses” as well as “maintain the well-established low-to medium-density residential character which prevails over most of the planning area.” Recommendations to implement these objectives included the confirmation of existing zoning to the areas not identified as “Critical Parcels and Areas” (areas with potential for future development).

The Master Plan contains no recommendations for special exceptions which are not located along “Green Corridors” (Georgia Avenue, Veirs Mill Road, Connecticut Avenue, and University Boulevard). The Green Corridors Policy was established for the major highways to ensure the “identity and integrity of residential areas along major highway corridors and commercial areas do not fade from one into the next without a clear sense of place...” This property is not along a “Green Corridor.”

Staff believes that the proposed application is consistent with the Master Plan objectives, as the applicant is not proposing to alter the existing residential appearance of the property to accommodate this request, and is maintaining the residential appearance of this site.

iv. Transportation Planning

The proposed application satisfies the Local Area Transportation Review and the Policy Area Mobility Review tests, and would not have any adverse effects on the roadway or nearby pedestrian facilities. The total number of trips produced by the proposed daycare use is based on the number of employees, and staff estimates that a total number of five trips would be generated by this use; however, one new vehicle trip is generated in the A.M. and P.M. peak-hours from the increase of one staff person and 4 children (see Attachment 5).

v. Environmental Planning

The site contains no forest, streams, wetlands, or environmental buffers and is located in Sligo Creek watershed; a Use I watershed. The proposed project is in compliance with the Environmental Guidelines. Additionally, this site is not subject to Chapter 22A, Montgomery County Forest Conservation Law as the Subject Property is less than 40,000 square feet in size (see Attachment 6).

vi. Community Comment

Staff has not received any written or oral comments on the application.

vii. Standards for Evaluation

The Zoning Ordinance specifies standards for evaluating compliance with general and specific conditions that require an 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, outlined in Section III above for this application.

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 daycare 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.

There are no significant traffic impacts that would result from the proposed special exception, as the number of trips to and from the site is increased by one. Outdoor play areas are adequate, and limited additional noise will be generated by the additional children. Further, all twelve children would not be outside at once, rather staggered throughout the day. The lighting on the property is adequate and consistent with the residential character of the neighborhood, and no new lighting is proposed. The site is well landscaped and a 6-foot high board fence surrounds the play area.

Staff has identified one non-inherent characteristic of the site; there is no driveway for the required off-street parking. The applicant proposes to park all vehicles on-street and has an agreement with a relative to use a driveway to park one vehicle related to the residential use. Currently, approximately half of the clients drop-off their children by walking from neighboring houses due to the use's proximity to bus routes and Metro, and this is anticipated to continue. There are no on-street parking restrictions, and about half of the residences do not have driveways. The site also has access to handicapped parking, which is located on the west side of Douglas Avenue, across from the subject site. Based on observation, and evidence provided by the applicant, on-street parking is sufficient to handle the increase of vehicles generated by the proposal (see Attachment 7).

Staff finds that the size, scale, and scope of the requested use are minimal, and that any noise, traffic, neighborhood disruption, or environmental impacts associated with the use would be slight. Staff does not find that the non-inherent characteristic of this application (lack of on-site parking) would be adverse to the neighborhood.

viii. Conditions for Granting a Special Exception

a. §59-G-1.2.1 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 daycare use is a permissible special exception in the R-60 Zone.

(2) *Complies with the standards and requirements set forth for the use in §59-G-2.*

Staff Analysis: Based on the applicant's submittal, the proposed use would comply with the standards and requirements of §59-G-2, subject to the applicant receiving a reduction of parking spaces required, as necessitated in §59-G-2.13(2). As discussed in the parking section within section viii, 8b, of this report, the on-street parking is sufficient to handle the increase of vehicles generated by the 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 subject property is located within the boundaries of the 1989 *Master Plan for the Communities of Kensington-Wheaton*. The Master Plan does not specifically address this site, but the overall objective of the Plan is to "protect and stabilize the extent, location, and character of existing residential and commercial land uses" as well as "maintain the well-established low-to medium-density residential character which prevails over most of the planning area." The Master Plan provides no guidance for siting and reviewing special exceptions, unless it is along an identified "Green Corridor." This site is not located adjacent to an identified corridor. The applicant is not proposing exterior modifications as the proposed daycare will be completely contained within the existing structure. This special exception request will not conflict with any land use goals of the master plan, and the residential character of the neighborhood will not be adversely affected.

(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 one-family detached dwelling unit, in which the daycare operates, will not undergo external alterations and will continue to be in harmony with the typical homes of the surrounding neighborhood. The intensity of activity, traffic, and parking conditions will not alter the general character of the neighborhood.

- (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 proposed daycare will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood as it does not create any objectionable adverse impacts.

- (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 use will not cause any objectionable adverse effects. There are no exterior renovations proposed. The children will take turns playing outdoors: during the morning, while the infants are asleep, the toddlers will have access outside; and then the infants will have outside playtime, while the toddlers take part in the morning curriculum activities, (e.g., Spanish immersion, arts and crafts, story time, etc.).

- (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: Staff identified one special exception within the staff-defined neighborhood; however, it was revoked and is no longer an active use. The addition of the proposed special exception will not result in an excessive concentration of special exception uses in general, or daycare uses in particular, and will not adversely affect the area or alter its residential character.

- (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 daycare use will cause only a marginal increase in activity in the neighborhood, and therefore will not have any adverse effects 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 adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.*
- B. *If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Management 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 preliminary plan of subdivision and therefore, this special exception is reviewed under B, above. The available public facilities are adequate to serve the proposed use. Additionally, the proposal will not reduce the safety of vehicular or pedestrian traffic as described in C, above.

b. §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.

Staff Analysis: This site is located in the R-60 Zone. A comparison of the R-60 Zone standards with the applicant’s proposal is in Table 1. Staff finds that the proposed special exception application meets the required development standards of the zone, except for the parking requirement discussed below.

Table 1: Applicable Development Standards – R-60 Zone

Development Standards	Required	Provided
Maximum Building Height:	35 ft.	25 ft.
Minimum Lot Area	6,000 sq. ft.	7,000 sq. ft.
Minimum Width at Proposed Street Line:	25 ft.	± 56 ft.
Minimum Front Yard Setback:	25 ft.	± 38 ft.
Minimum Side Yard Setback:	8 ft.	8 ft.
Minimum Rear Yard Setback:	20 ft.	± 41 ft.

Development Standards	Required	Provided
Parking Facility Side Yard Setback for Special Exceptions in a Residential Zone (§59-E-2.83)	16	N/A ¹
Parking Requirement (§59-E-3.7)	2 spaces for ea. employee; 2 spaces for dwelling unit	0 (on-site)

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

Staff Analysis: The proposed special exception request does not meet the parking requirements of Article 59-E, as the subject property has no off-street parking spaces, and the code requires four for the proposed use. The applicant has requested a reduction of off-street parking for the four spaces. The parking requirements 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 “existing parking spaces are available on the street or adjacent property, or the reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area, nor would a safety problem exist.”

The applicant anticipates that 50% of the children will arrive and depart with parents who do not drive to the site, rather they walk. Drop-off will occur no more than two times per hour and will be less than 15 minutes in length. Pick-up occurs twice per half hour and will last no more than ten minutes. Additionally, some of the trips anticipated will be from sibling pairs, further reducing the need for off-street parking. Staff has visited the site, and has found that ample parking exists on-street (see Attachment 7). The site is located within walking distance of multiple transit lines (Metro, Metrobus and RideOn), which helps reduce parking needs for parents who use transit. Staff supports the requested reduction in parking, but notes that if the hearing examiner is uncomfortable with granting a reduction of all spaces, there is enough room to create a parking pad to contain at least one parking space on-site to be used for drop-off and pick-up.

¹ The site does not contain a driveway, and is identified as a non-inherent characteristic of the site. Please refer to Section vii of this report for further discussion.

Additionally, the applicant has stated that a relative, who lives adjacent to the subject property, allows the applicant to use a driveway to park the residential vehicle. The applicant should provide a written agreement between her, and her relative allowing for the use of the relative's driveway to provide one off-street parking space for the resident (i.e., a parking agreement).

Staff does not believe that there will be a reduction in the pedestrian safety in the surrounding area and that the increase in traffic from the proposed increase from eight to 12 children is slight and not detrimental to the neighborhood.

(c) **Minimum Frontage.** *For the following special exceptions the Board may waive the requirement for a minimum frontage at the street line if the Board finds that 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 telecommunication facilities;
- (6) Equestrian facility;
- (7) Heliport and helistop.

Staff Analysis: Not applicable, since the proposed use is for a child daycare. The application satisfies the minimum frontage requirements of the R-60 Zone.

(d) **Forest conservation.** *If a special exception is subject to 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: This site is not subject to Chapter 22A, Montgomery County Forest Conservation Law, as the subject site is less than 40,000 square feet in size.

(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: Not applicable; submission of a water quality plan is required in a Special Protection Area, only.

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

Staff Analysis: Not Applicable; no signs are proposed.

(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: Not applicable. The proposed daycare is located in an existing structure and does not require any exterior building 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: Based on the information provided by the applicant and a site visit, no direct light would intrude into any adjacent residential property.

ix. 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 (see Attachment 3).

- (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 does not meet the on-site parking requirements under §59-E-3.7, and has requested a reduction in off-street parking for all four parking spaces required by the Zoning Ordinance. For the reasons discussed in viii.b. (General Development Standards) of this report on page 9, staff supports a reduction of the off-street parking requirements. As shown in Attachment 7, there are multiple parking spaces on the street abutting the site that satisfies the number of spaces required. The use of the on-street spaces will not adversely affect the surrounding area or create a safety problem, as there is only one new trip as the result of this application.

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

Staff Analysis: The applicant does not have an on-site discharge and pick-up area for the children. However, there is an adequate area on-street to be utilized for this special exception use. Using the street for drop-off and pick-up will not block or reduce the safety of residents, visitors or employees of the area.

- (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 of approval for this special exception*

Staff Analysis: The applicant has supplied an affidavit with the application materials. See Attachment 8.

- (5) *The use is compatible with 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 previously stated in the General Conditions section, the proposal will be compatible with the surrounding neighborhood.

x. Conclusion

The application complies with the general conditions and standards for grant of a special exception for a daycare use, subject to the approval of a reduction in the number of off-street parking required. The application does not conflict with any land use recommendations of the applicable master plan or alter the residential character of the area. The application is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

Attachments:

- Attachment 1-** Floor Plan Sketch, per applicant submittal
- Attachment 2-** Landscape and Lighting Plan, per applicant submittal
- Attachment 3-** General Site Photographs
- Attachment 4-** Neighborhood Map
- Attachment 5-** Memorandum from Marc Lewis-DeGrace, Area 2 Planning Division to Renée M. Kamen, AICP, Area 2 Planning Division, dated June 13, 2012
- Attachment 6-** Forest Conservation Applicability for Special Exceptions
- Attachment 7-** Douglas Avenue Peak Hour Parking Conditions, submitted by applicant and modified by staff
- Attachment 8-** Affidavit of Compliance

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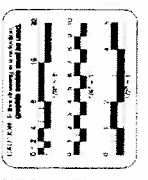
Attachment 1

Pg. 1



Buenos Amigos Family Day Care
 10207 Douglas Ave
 Silver Spring, MD 20902

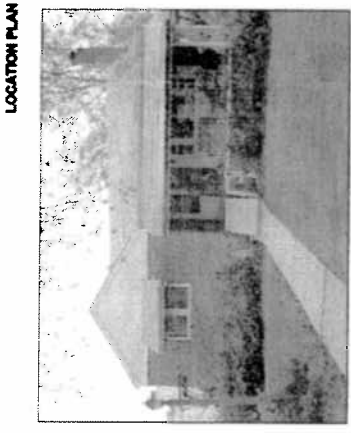
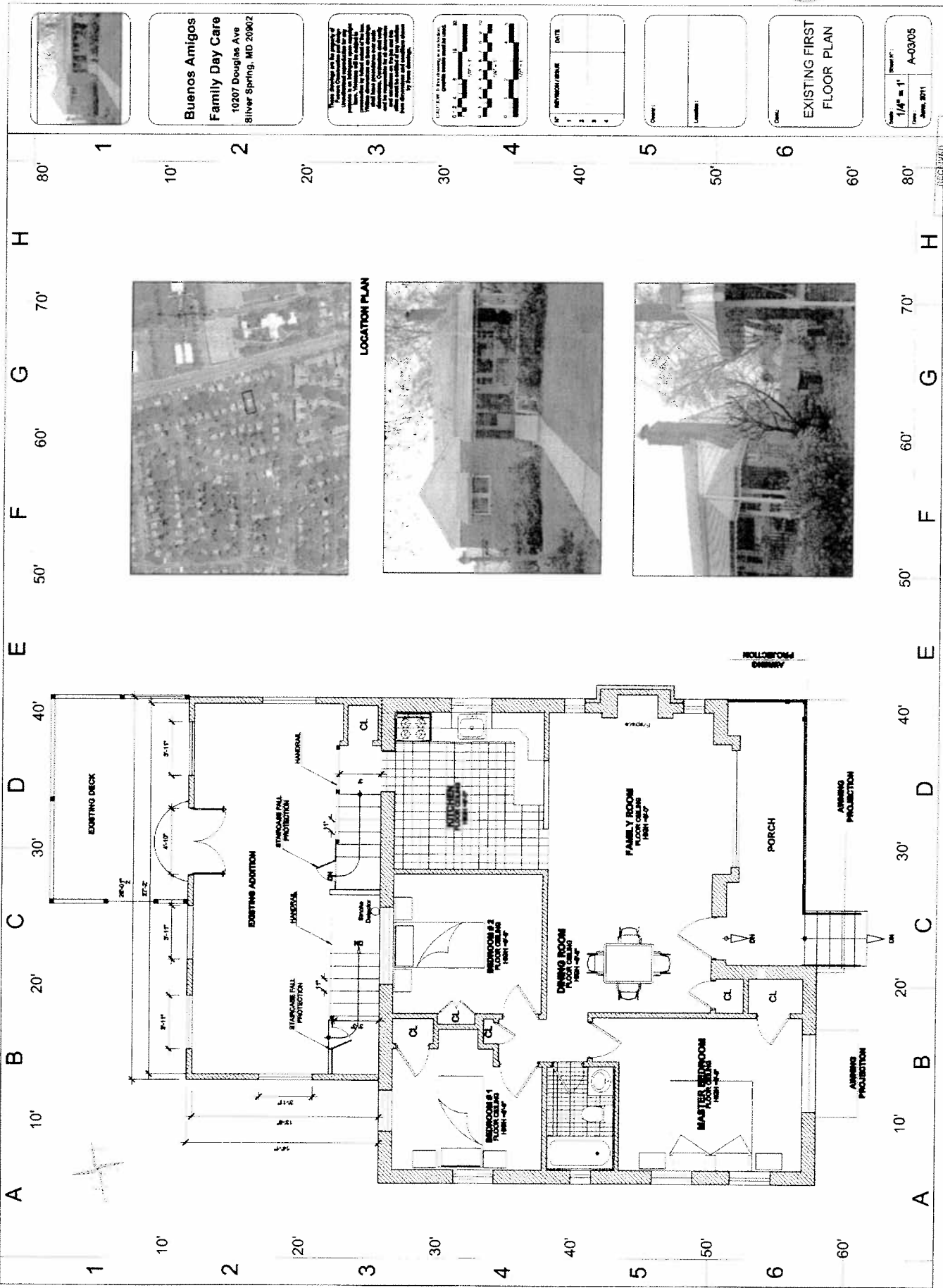
NOTES:
 1. This set of drawings is prepared for the purpose of obtaining a building permit for the proposed construction. It is not to be used for any other purpose without the written consent of the architect.
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 3. The contractor shall be responsible for obtaining all necessary utility information and for protecting all existing utilities.
 4. The contractor shall be responsible for obtaining all necessary easements and rights of way.
 5. The contractor shall be responsible for obtaining all necessary zoning and setback approvals.
 6. The contractor shall be responsible for obtaining all necessary environmental approvals.
 7. The contractor shall be responsible for obtaining all necessary fire department approvals.
 8. The contractor shall be responsible for obtaining all necessary health department approvals.
 9. The contractor shall be responsible for obtaining all necessary education department approvals.
 10. The contractor shall be responsible for obtaining all necessary other approvals.



DATE	
REVISION/SCALE	
OWNER	
DESIGNER	

EXISTING FIRST FLOOR PLAN

Scale: 1/4" = 1'
 Date: June 2011
 Project: A-03/05

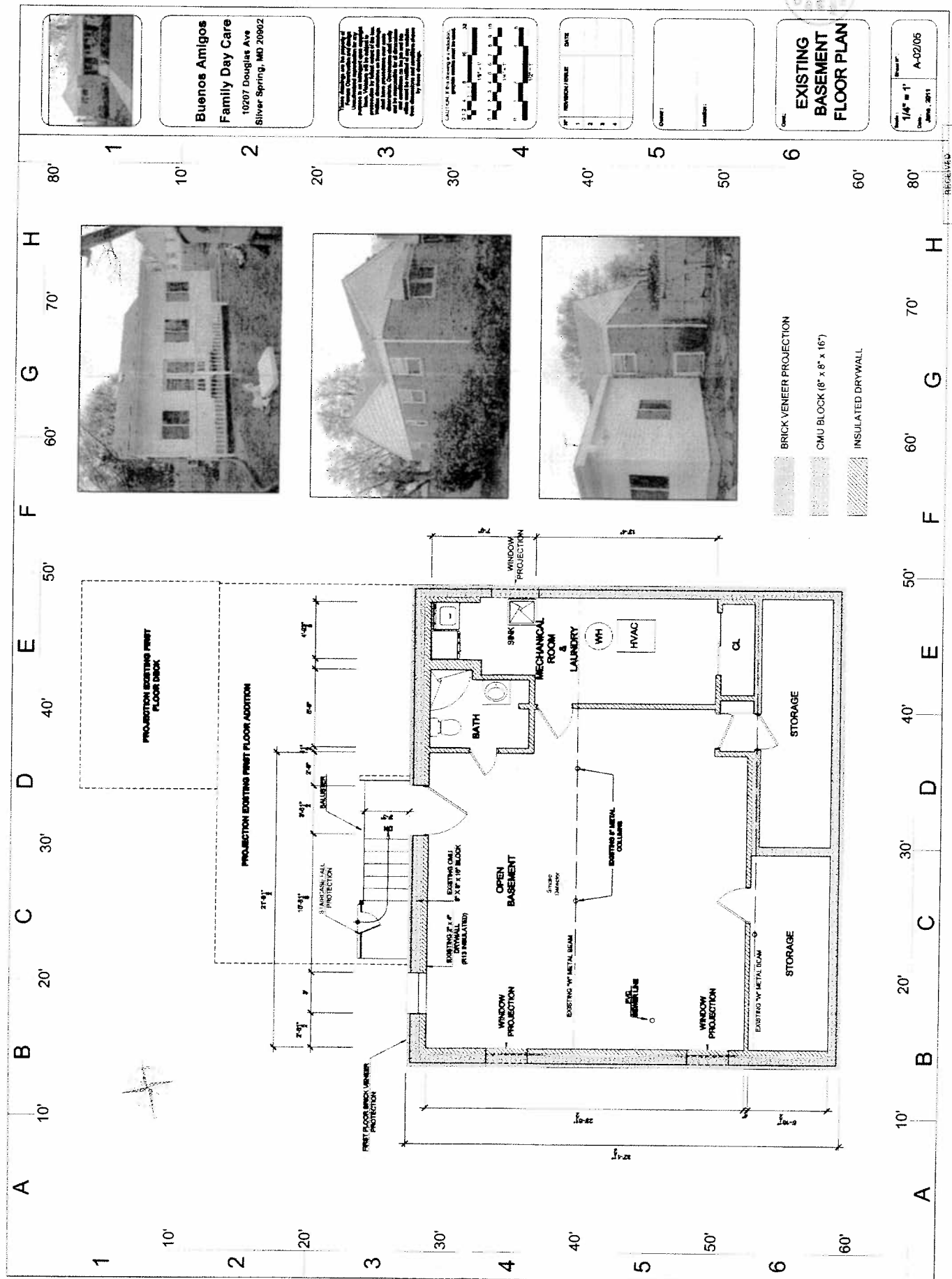


LOCATION PLAN

EXHIBIT NO. 13(A)
 REFERENCE NO. S.E. 12.04

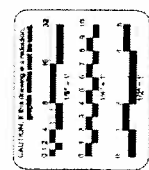
Attachment 1

Pg. 2



**Buenos Amigos
Family Day Care**
10207 Douglas Ave
Silver Spring, MD 20902

THESE CONSTRUCTION DETAILS ARE TO BE USED IN CONJUNCTION WITH THE SPECIFICATIONS AND CONTRACT DOCUMENTS. ANY CHANGES TO THESE DETAILS MUST BE APPROVED BY THE ARCHITECT.



NO.	REVISION/DETAIL	DATE
1		
2		
3		
4		

Owner: _____
License: _____

**EXISTING
BASEMENT
FLOOR PLAN**

Scale: 1/4" = 1'
Date: 02/05

- BRICK VENEER PROJECTION
- CMU BLOCK (8" x 8" x 16")
- INSULATED DRYWALL

EXHIBIT NO. 136
REFERENCE NO. S-2/A-04

RECEIVED
MAY 1 2005
MONTGOMERY COUNTY
DEPARTMENT OF PERMITS

Attachment 2



**Buenos Amigos
Family Day Care**
10207 Douglas Ave
Silver Spring, MD 20902

These materials shall be provided by the Contractor and shall be subject to the approval of the Designer. The Contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The Contractor shall be responsible for the installation and maintenance of the materials. The Contractor shall be responsible for the removal and disposal of the materials.



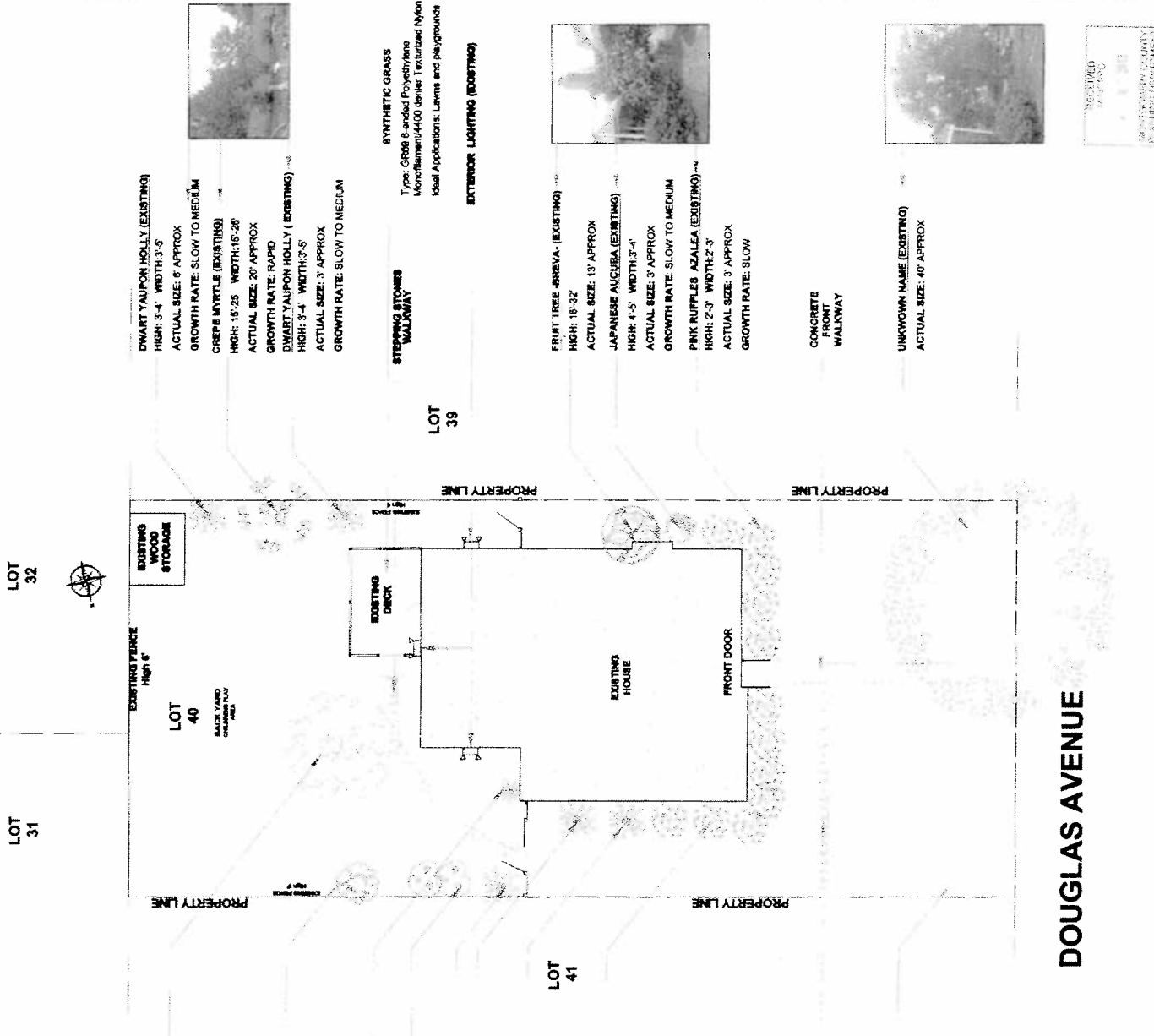
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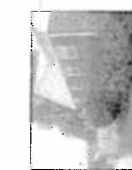
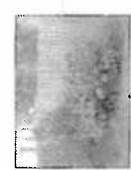
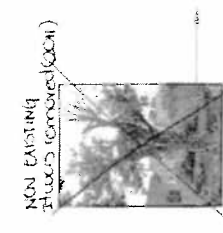
**LANDSCAPING
PLAN**

Sheet No: AD 01
Date: July, 2011

EXHIBIT NO. 11
REFERENCE NO. S.E. 12-01



- UNKNOWN NAME (EXISTING)**
ACTUAL SIZE: 26' APPROX
- ROSE OF SHARON (EXISTING)**
HIGH: 3'-6" WIDTH: 3'-5"
ACTUAL SIZE: 3' APPROX
GROWTH RATE: RAPID
- GLOSSY ARELIA (EXISTING)**
HIGH: 4'-6" WIDTH: 3'-5"
ACTUAL SIZE: 3' APPROX
GROWTH RATE: MEDIUM
- NIKKO BLUE HYDROGEN (EXISTING)**
HIGH: 3'-4" WIDTH: 3'-5"
ACTUAL SIZE: 3' APPROX
GROWTH RATE: RAPID
- DWARF YAUPOON HOLLY (EXISTING)**
HIGH: 3'-4" WIDTH: 3'-5"
ACTUAL SIZE: 3' APPROX
GROWTH RATE: SLOW TO MEDIUM
- PINK RUFFLES AZALEA (EXISTING)**
HIGH: 2'-3" WIDTH: 2'-3"
ACTUAL SIZE: 3' APPROX
GROWTH RATE: SLOW
- STEPPING STONES WALKWAY**
- GRASS**



DOUGLAS AVENUE

DESIGNED BY
Landscape Architecture
L.A. ARCHITECTS

Attachment 3

Pg. 1



Photo 1: Property Front



Photo 2: Looking south towards Dexter Drive

Attachment 3

Pg. 2



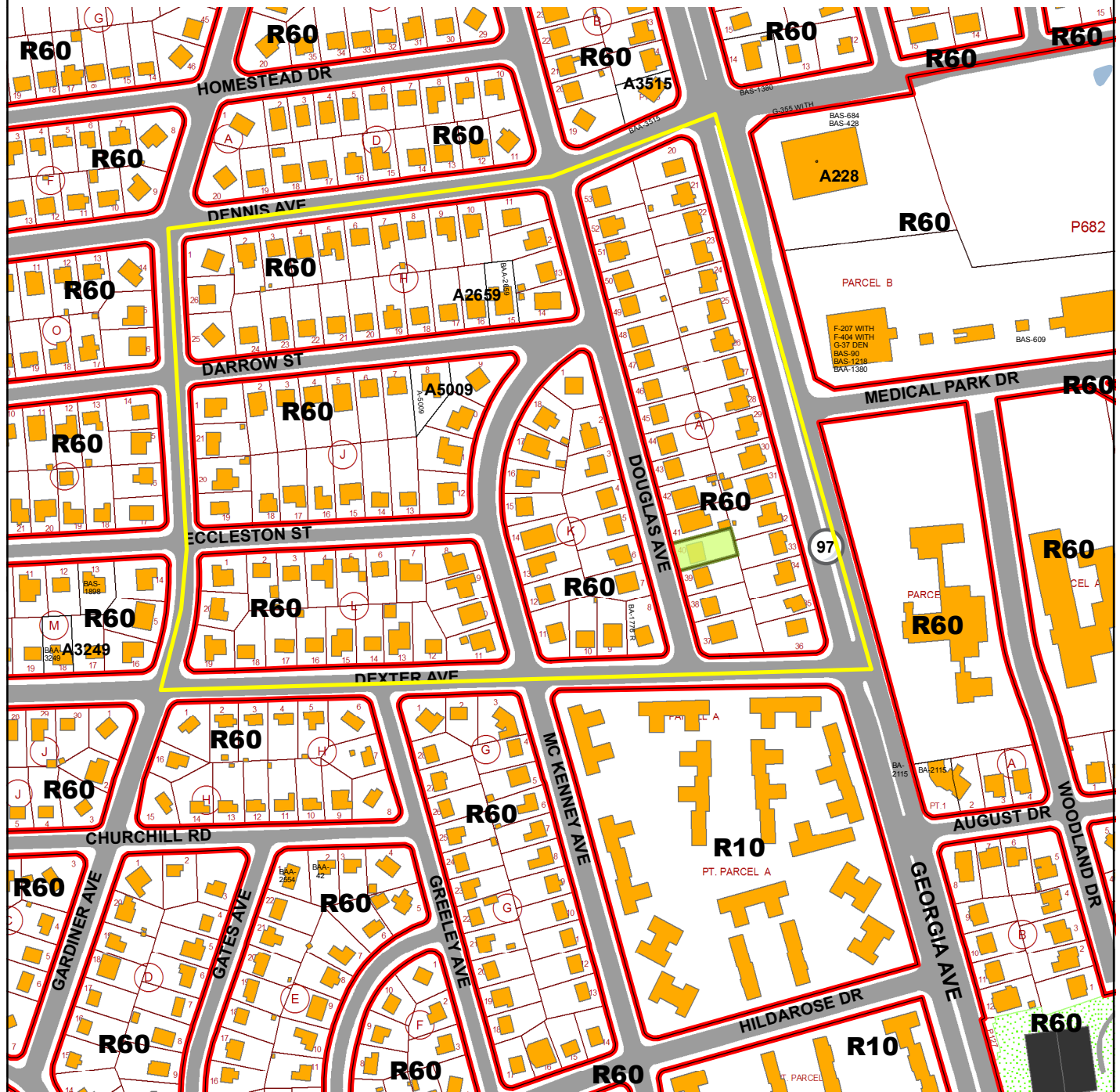
Photo 3: Backyard Play Area



Photo 4: Backyard Play Area

Attachment 4

Neighborhood Map



LEGEND

-  Subject Site
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

NOTICE:

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.

1 inch = 300 feet
Address: 10207 Douglas Avenue, Silver Spring

Key Map





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

June 13, 2012

MEMORANDUM

TO: Renee Kamen, Planner/Coordinator
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: Buenos Amigos Day Care
Special Exception Case No. SE-12-04
10207 Douglas 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 from 8 to 12 resulting in a staff increase of one (from two to three), including the owner who lives onsite, for an existing child daycare 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.
2. Children drop-offs and pick-ups must be scheduled to have no more than two cars arrive/leave the site at any one time.
3. The Applicant must ensure that offsite employees arrive via being dropped off, public transit or walking so as to eliminate the need for additional parking spaces.

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

Attachment 5

Pg. 2

DISCUSSION

Site Location

The daycare is in the existing single-family detached residential unit located on the east side of Douglas Avenue between Dexter Avenue and Darrow Street, in the southwest quadrant of Georgia Avenue (MD 97) and Dennis Avenue.

Vehicular Access Points and Parking

The daycare does not have its own driveway and relies on on-street parking. The Applicant has an agreement with a relative, who is the owner of the adjacent property to the north, 10709 Douglas Avenue that can accommodate two parked cars on its driveway. On-street parking is available on both sides of Douglas Avenue. The Applicant has requested a reduction in the number of parking spaces for this application. Based on the Applicant's written statements, 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 along Douglas 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. The Forest Glen Metrorail Station is located approximately 0.7 miles south of the subject site.

Pedestrian Facilities

There are no sidewalks along Douglas Avenue. A lead-in concrete walkway exists from Douglas Avenue to the front door of the subject house. A stepping stone walkway exists from the adjacent property's driveway to the subject site's concrete sidewalk.

Master-Planned Roadways

This section of Douglas Avenue, along with nearby Dexter Avenue and Darrow Street, are all 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 7:00 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 and the number of staff from 2 to 3. However, the trip-generation rates in the *Local Area Transportation Review and Policy Area Mobility Review Guidelines* are based on the number employees. The number of proposed non-residential staff persons will increase from the existing one person to two.

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.

Attachment 5

Pg. 3

Policy Area Mobility Review (PAMR)

The subject site is located in the Kensington/Wheaton Policy Area where the mitigation requirement is 10% of the new peak-hour vehicular trips. Because the traffic generated by the proposed additional four children would generate less than three new peak-hour trips within the weekday morning and evening peak periods no PAMR trip mitigation is required

MLDG

Office of
Zoning and
PR 24 2012
Administrative
Hearings

Environmental Planning Division

Effective 1/08

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

APPLICATION

Forest Conservation Applicability* for Special Exceptions

PROPERTY LOCATION

Street Address: 10207 Douglas Ave. Silver Spring 20902.

Subdivision: Carroll Knolls Parcel(s) # 60 Lot #(s): 40 Block(s): A

Property Tax Identification Number: 01104342

Applicant (Owner or Contract Purchaser):

Name Marcy A. Sidenis.

Street Address 10207 Douglas Ave.

City Silver Spring State MD Zip Code 20902

Phone No. (301) 593 5226 Fax No. ()

TOTAL AREA OF PROPERTY: _____ acres 7.000 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):

[Handwritten Signature]
Signature

4-13-2012
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:

[Handwritten Signature]
Signature

4/20/12
Date

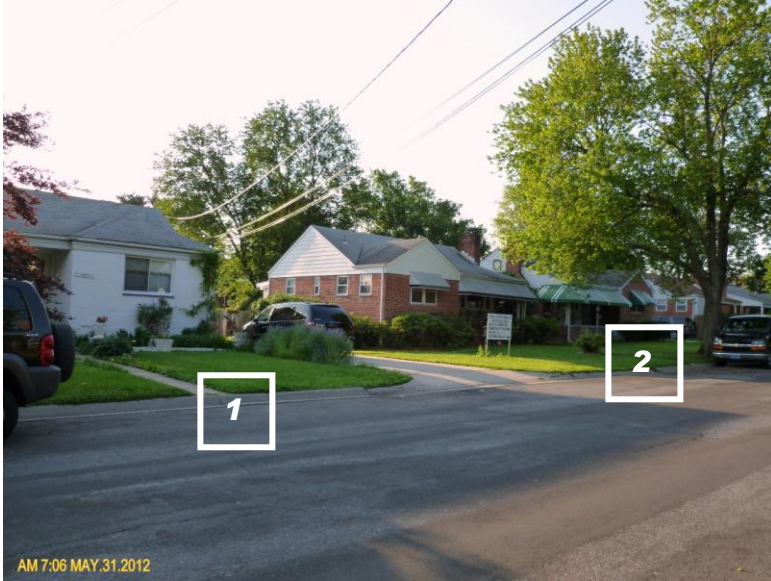
*This form may be used only if the property is less than 40,000 square feet in total area.

EXHIBIT NO. H
REFERRAL NO. S.E. 12-04

Attachment 7

Pg. 1

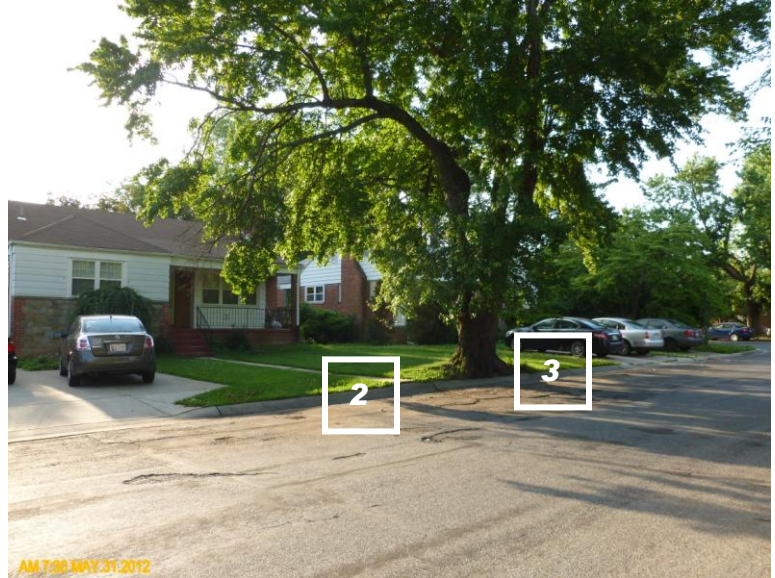
BUENOS AMIGOS DAYCARE ON-STREET PARKING 7:06 AM-7:08 AM



Attachment 7

Pg. 2

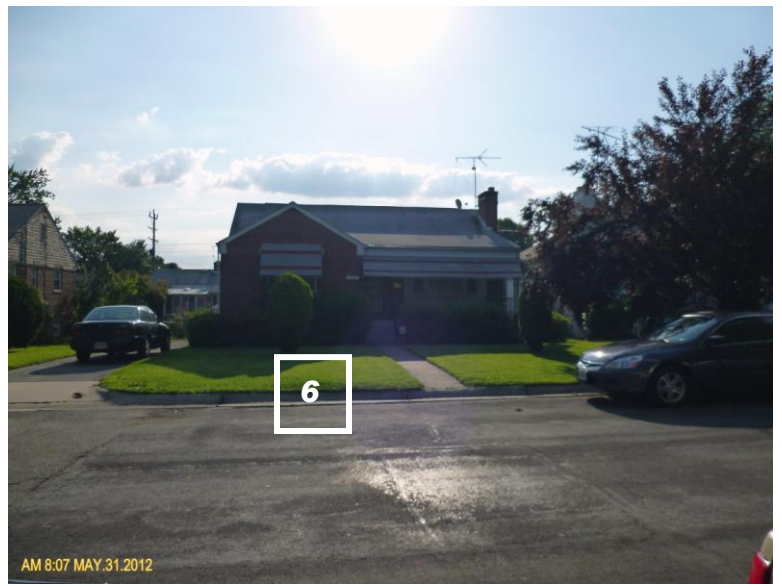
BUENOS AMIGOS DAYCARE ON-STREET PARKING 7:30 AM-7:32AM



Attachment 7

Pg. 3

BUENOS AMIGOS DAYCARE ON-STREET PARKING 8:05 AM-8:08 AM



Attachment 7

Pg. 4

BUENOS AMIGOS DAYCARE ON-STREET PARKING 8:05 AM-8:08 AM



Attachment 7

Pg. 5

BUENOS AMIGOS DAYCARE ON-STREET PARKING 8:35 AM-8:39 AM



Attachment 7

Pg. 6

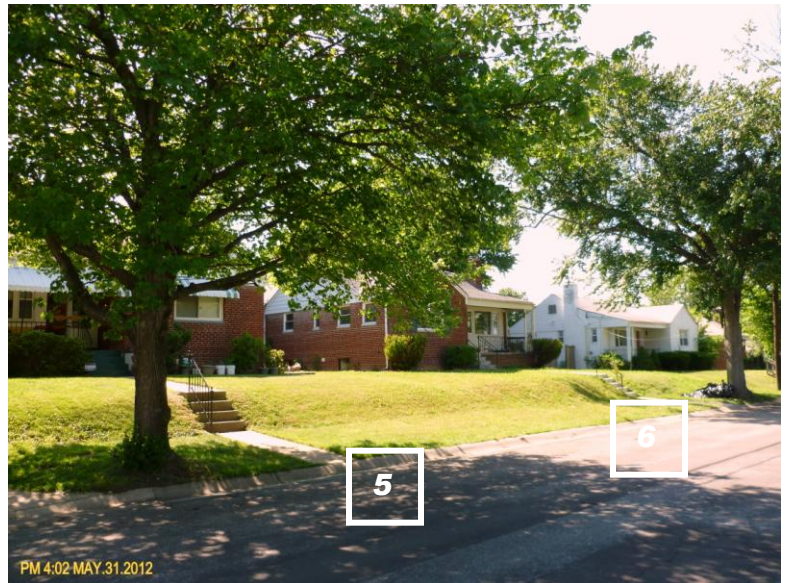
BUENOS AMIGOS DAYCARE ON-STREET PARKING 9:30 AM-9:33 AM



Attachment 7

Pg. 7

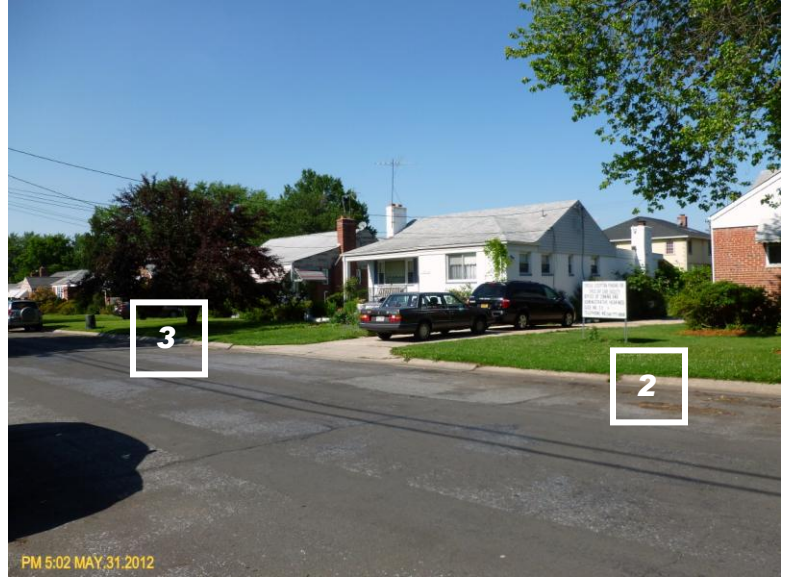
BUENOS AMIGOS DAYCARE ON-STREET PARKING 4:00 PM- 4:02 PM



Attachment 7

Pg. 8

BUENOS AMIGOS DAYCARE ON-STREET PARKING 5:01 PM- 5:03 PM



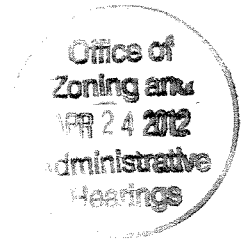
Attachment 7

Pg. 9

BUENOS AMIGOS DAYCARE ON-STREET PARKING 5:31 PM- 5:35 PM




Attachment 8



AFFIDAVIT OF COMPLIANCE

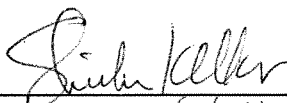
I HEREBY CERTIFY that I will comply with and satisfy all applicable State and County requirements, correct any deficiencies found in any government inspection, and be bound by this affidavit as a condition of approval for the special exception.

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



Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this 24th day of April, 2012.



Notary Public (Shaila Kelkar)

My Commission Expires: 4/8/16.

EXHIBIT NO. 5
REFERRAL NO. S.E. 12-04