



7336 Piney Branch, Special Exception, SE 14-01, Group Day Care Home



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PAK

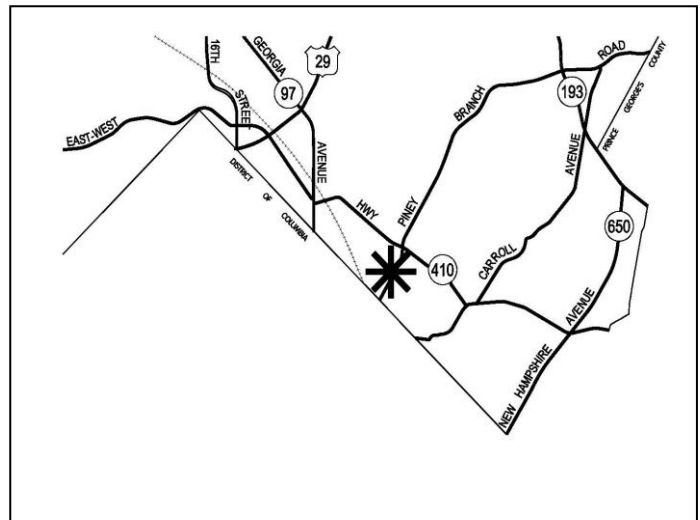
Robert A. Kronenberg, Acting Chief, Area 1, robert.kronenberg@montgomeryplanning.org 301 495-2187



Staff Report Date: 11/1/13

Description

- Special Exception Request for a group day care home facility for 12 children
- Address: 7336 Piney Branch Road, City of Takoma Park
- Zone: R-60
- Area: 28,002 square feet
- Master Plan: Takoma Park
-
- The public hearing is scheduled for 12/13/13 at the Hearing Examiner's Office



Summary

Staff recommends **Approval** of Special Exception SE 14-01, for a group day care home subject to the conditions contained on page 2 of this report.

The applicant resides on the subject property and operates a family day care home for 8 children which is a permitted use in the R-60 Zone. Special Exception application (SE 14-01) seeks to increase the number of children at the family day care home from 8 to 12 children; thus, changing the proposed use to a group day care home.

RECOMMENDATIONS

Staff recommends approval of Special Exception SE-14-01 subject to the following conditions:

1. The group day care home use is limited to 12 children and three employees with no more than two non-resident employees on site at any one time.
2. The hours of operation are limited to Monday through Friday, 8:30 a.m. to 5:30 p.m. and Saturdays from 9:30 a.m. to 5:30 p.m.
3. Outdoor play times must be staggered and must not start before 8:30 a.m. Monday through Friday. No more than six children may be permitted in play area at any one time.

DISCUSSION

Project Description

The applicant, Soraia Leventhal, operates a family day care home for 8 children located at 7336 Piney Branch Road in the R-60 Zone in the City of Takoma Park. The existing family day care home is a permitted use in the R-60 Zone.

Section 59-A. 2.1 of the Zoning Ordinance, entitled, "Definitions", states that there are 3 distinct types of child day care facilities permitted in the County based on the number of children associated with each facility. These facilities are as follows:

- A family day care home located in the residence of the provider and allowing up to 8 children with no more than 2 non-resident staff on site at any time.
- A group day care home located in the residence of the provider and allowing for the care of up to 12 children with no more 3 non-resident staff on site at any time.
- A child day care center located in a dwelling that is not the providers' residence, allowing for the care for more than 13 children and exceeding the staffing limits of either a family day care home or group day care home.

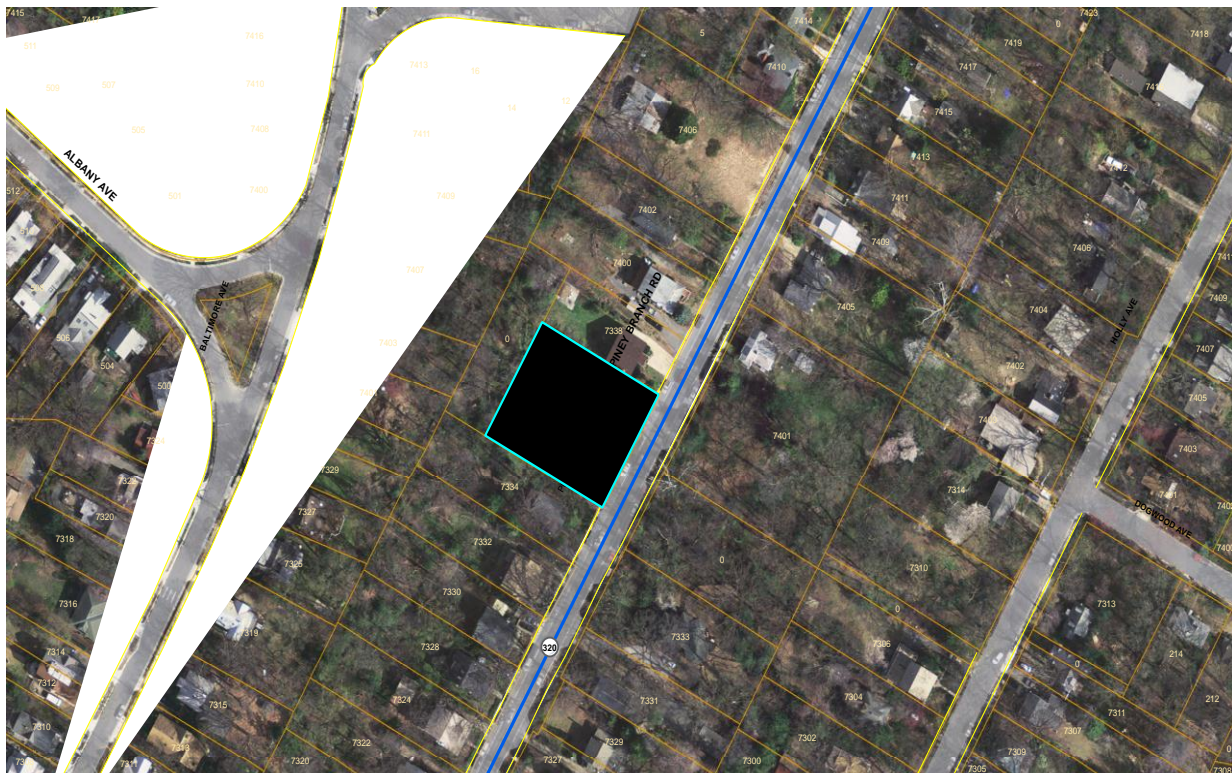
Finally, Section 59-A.2. 1, of the Zoning Ordinance also states that, "Preschool and kindergarten educational programs, subject to accreditation by the State are permitted as accessory uses in all child care facilities."

Under the subject special exception application, the applicant seeks to increase the number of children at the family day care home from 8 to 12 children; an increase of 4 children. Thus, the proposed use will be a group day care home.

The applicant resides on the subject property and employs two non-resident staff in conjunction with the existing use. No increase in the number of non-residential staff is proposed for the group day care home. The hours of operation for the proposed use will be Monday through Friday, 8:30 a.m. to 5:30 p.m. On Saturdays, the applicant is proposing to offer children's art classes from 9:30 a.m. to 5:30 p.m. for no more than 8 children and only one non-resident staff (a different employee from the two weekday staff) will be assisting with the art classes. These classes will be offered as an accessory use in

conjunction with the requested special exception use per Section 59-A.2.1.of the Zoning Ordinance. The applicant is awaiting accreditation by the State for this program.

The group day care home will be operated within the provider's one-family residence and the associated play area will be enclosed by a six foot high board on board wooden fence. The applicant's statement of justification noted that the existing use serves many nearby residents. According to the applicant, these residents walk to the property, with their children, on their way to the Takoma Park Metrorail station and drop off their children at the existing use. As a result many parents leave their children's strollers at the subject site during the day. The two existing employees use the Metrorail station to travel to the site.



Aerial View of Site



View of Site from Piney Branch Road



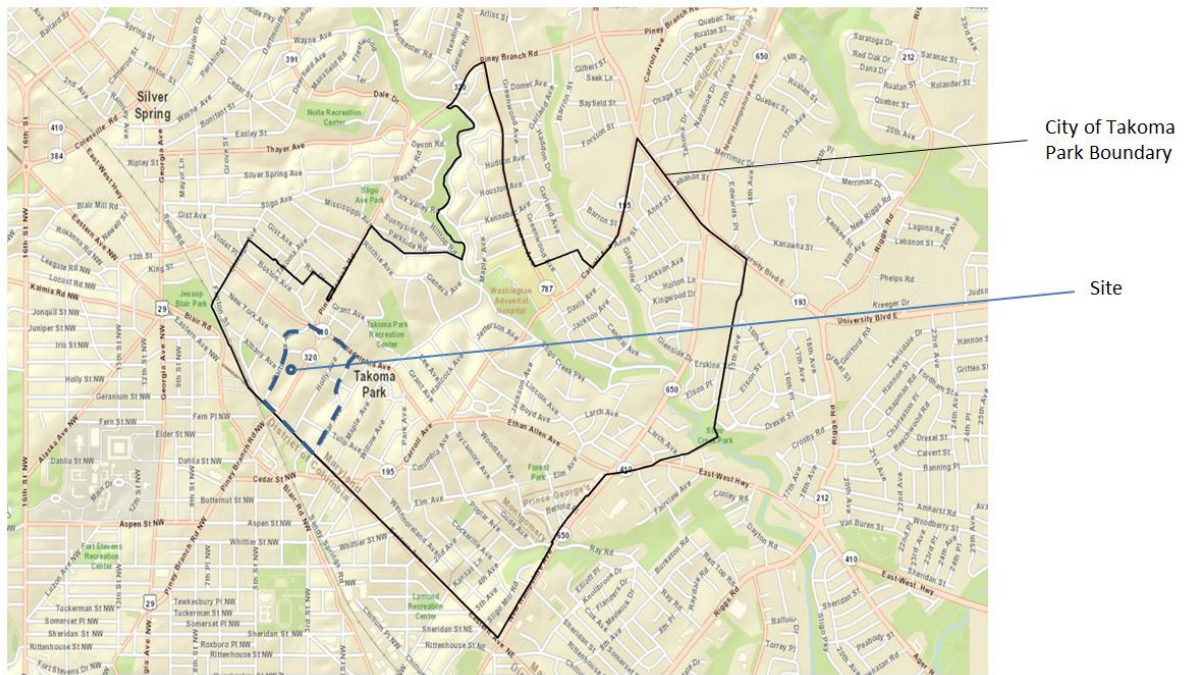
View of brick walkway from gravel driveway

Site and Neighborhood Description

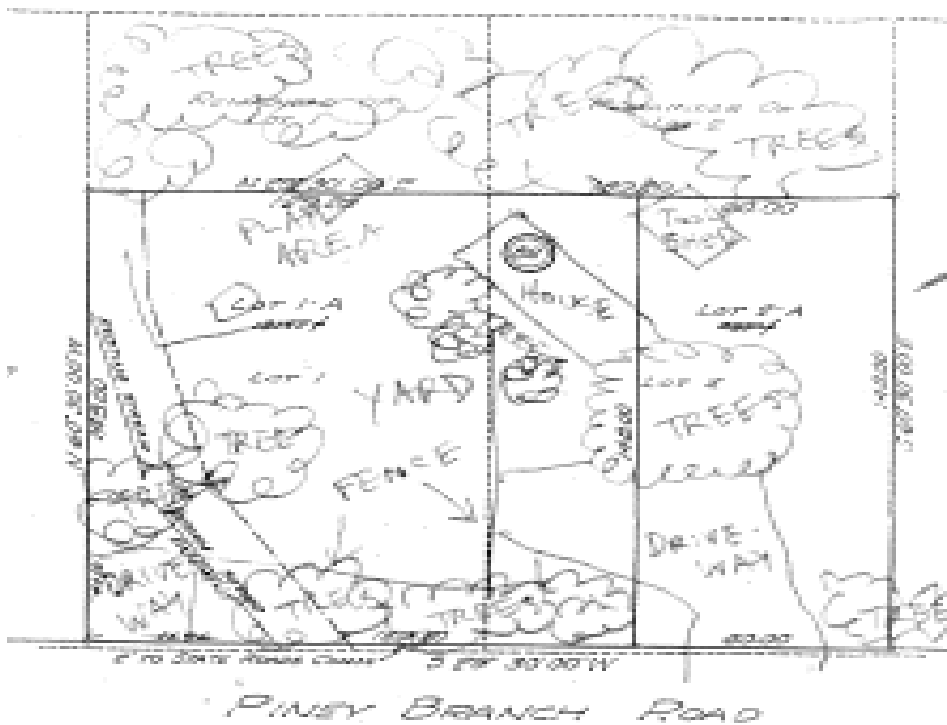
Site Description

The property is located in the City of Takoma Park on the west side of Piney Branch Road (MD 320) approximately 840 feet south of its intersection with Philadelphia Avenue (MD 410) and has a gradual sloping terrain as it sits at the bottom of a dip along Piney Branch Road. The site contains approximately 28,002 square feet and is developed with a one family detached house including an at grade one-car garage. Primary access to the site is provided via a gravel driveway located off of Piney Branch Road. This driveway opens onto a gravel apron which can accommodate 2 automobiles. A brick walkway leads from the gravel apron to the entrance of the use. There is also another curb cut into the site approximately 60 feet south of the primary driveway. This curb cut terminates into an on-site gravel parking space that can accommodate one car.

The site contains many mature trees and extensive landscaping. The one family detached house sits approximately 68 feet from the roadway and the side and rear yards are fenced with a 6 foot high board on board fence. A Ride-On bus stop is located on Piney Branch Road directly in front of the site. The Takoma Park Metrorail station is approximately 0.6 mile from the property. The surrounding properties are zoned R-60 and are developed with one family detached residential units.



*Vicinity and Neighborhood Map
Defined Neighborhood shown by blue dashed line*



Applicant's Submitted Plan (Not to Scale)



Zoning Map (Subject site in green)

Neighborhood Description

The neighborhood is generally bounded by: Eastern Avenue to the south, Philadelphia Avenue to the north, Birch and Cedar Avenues to the east and Baltimore Avenue to the west. The surrounding neighborhood is composed of a variety of one family houses and is zoned R-60. Existing approved special exceptions in the defined neighborhood total 15. However, two of those special exceptions were for home occupations: S-1353 approved on 2/6/87 for a beauty shop and S-217 for photography service approved on 2/6/79. The remaining thirteen special exceptions were for accessory apartment units and were approved during the time frame of 1989 to 2009.

FINDINGS

Master Plan Conformance

The *Takoma Park Master Plan, 2000* (the Plan) recommends this area for one-family residential use and confirms the R-60 Zone. The subject property is located near the Flower Village a major neighborhood center and commercial focal point approximately 1.3 miles north at the corner of Piney Branch Road and Flower Avenue. The Plan vision for the Flower Village was that the services that it provided should be safe, successful, community-serving, attractive and convenient. The Group Day Care proposed by the applicant will provide much needed community services to area residents and will further these goals. Additionally, the Plan noted the following: “support the provision of a diverse range of commercial services in Takoma Park, such as basic shopping services to nearby neighborhoods, highway commercial services and regionally serving business” (page 40). The applicant’s proposed group day care home facility will further expand the range of services being offered in the Flower Village neighborhood and the City of Takoma Park as a whole. Additionally, many residents of this community are transit-dependent and it is important that community serving businesses such as child care be easily accessible by transit. The property is within walking distance to the existing Takoma Park Metrorail station, a Ride-On a bus stop is located in front of the site, and the planned Purple Line facility will be within walking distance to this special exception use.

Furthermore the Plan asserts that special exceptions are compatible as long as they meet the “standards and requirements” set forth in the Zoning Ordinance. This proposal is consistent with the Plan recommendations since it is: compatible with the existing neighborhood and meets the requirements of the R-60 zone special exception purpose and standards. The subject application furthers the Plan’s general guidance and is compatible architecturally with the adjoining neighborhood, and is deemed

consistent with the *Takoma Park Master Plan*. The proposed use is appropriate at this location.
Attachment 3

Transportation Planning

The requested special exception application satisfies the Local Area Transportation Review and Transportation Policy Area Review (LATR/TPAR) tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities as proposed. As a result, staff recommends approval of the special exception application and offers the following transportation related conditions and comments:

1. The applicant must limit the special exception use to a group day care home for up to 12 children and three staff; with no more than two non-resident employees on site at any one time
2. The hours of operation are limited to Monday through Friday, 8:30 a.m. to 5:30 p.m. and Saturdays from 9:30 a.m. to 5:30 p.m.

Local Area Transportation Review (LATR)

The existing hours of operation (8:30 a.m. – 5:30 p.m.) include site generated trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods. The proposed use with no increase in weekday staff and one additional staff on Saturday would have no adverse impact on the transportation network.

The subject special exception petition is not required to submit a full LATR traffic study because the site will generate fewer than 30 vehicular trips. As a result of this exemption, the applicant submitted a traffic statement that summarized her petition to increase home daycare enrollment from eight to 12 children with no increase in the number of daycare staff during the week. Based on the LATR/TPAR trip generation rates the proposed use would generate less than 3 new trips. Any additional trips to the site associated with the proposed use would be a function of pass-by and diverted trips that are already traveling between other origins or destinations. Thus, traffic generated by the proposed increase of four-children to the site would not adversely impact the existing traffic conditions. Attachment 4

Transportation Policy Area Review (TPAR)

The subject site is located in the Silver Spring/ Takoma Park Policy Area where the mitigation requirement is 25% of the impact tax. However, no payment is required because the proposed use would generate less than three new peak-hour trips within the weekday morning and evening peak periods.

Vehicular Access and Parking

Vehicular access to the site is provided via the primary residential driveway off Piney Branch Road (MD 320). This primary driveway can accommodate up to 2 parked vehicles that would be associated with the proposed use at any one time. In addition to the primary gravel driveway, the property has a second curb cut with a gravel parking area that can accommodate one car. The second curb cut is located

approximately 60 feet south of the primary driveway on Piney Branch Road. This secondary parking area is not being counted towards the parking requirement for the proposed use. This space should continue to be used as parking for the site's residents, if need arises. The location of this space is not practical as a convenient spot for future clients to enter and exit their vehicles with a small child in tow. It also increases the client's walking distance from a vehicle to the group home day care's entrance. Coordination with the Takoma Park Police Department revealed that this stretch of Piney Branch Road is subject to residential permit parking restrictions. The primary driveway will continue to have adequate sight distance, on-site queuing, and access with the increase of four additional children and the Saturday program. No adverse impacts will result from the requested special exception.

Pedestrian and Transit Service

A three-foot wide sidewalk exists along the site's frontage and connects the site with nearby transit. Staff does not recommend upgrading the sidewalk along this property due to the estimated impact such a project would have on the existing topography and proximity to a nearby stream. Transit service is available from a bus stop on Piney Branch Road along the property's frontage and at the Takoma Metrorail Station, which is located approximately 0.6 miles away. Specific transit routes within walking distance to the site include Metro bus route F4 and Ride-On routes: 3, 14, 17, and 24.



Strollers on Site

The primary means of transportation to and from the site is foot traffic by parents who are on their way to the Metrorail station. The applicant's statement described that parents will often leave their baby strollers on-site during the day. Several strollers were observed by staff during a site visit as well as a parent walking to the existing family home day care to drop off a child.

Master-Planned Roads and Bikeways

The *Approved and Adopted 2000 Takoma Park Master Plan* and *2005 Countywide Bikeway Functional Master Plan* identify Piney Branch Road (MD 320) as Arterial Street A-311, with a 70-foot-wide right-of-way, between Philadelphia Avenue (MD 410) and Eastern Avenue, NW in Washington, DC. This roadway is also designated as bicycle signed-shared roadway SR-49.

Environmental Planning

There are no champion trees on or near the subject property and there are no exterior modifications proposed. A Forest Conservation Plan does not apply to the subject special exception application, since it is on a property less than 40,000 square feet and no disturbance is proposed. The applicant submitted a non-applicability form, signed by staff on July 11, 2013 which was included in the application materials. Attachments 5 and 6.

Community and Municipal Concerns

To date, there have been no concerns raised by the community or the City of Takoma Park regarding this special exception application.

Sec.-59-G-1.2. Conditions for Granting

Sec.-59 G. 1.2.1 Inherent and Non-inherent Adverse Effects

The standard of evaluation for a special exception requires consideration of the inherent and non-inherent adverse effects on the nearby properties and general neighborhood where the use is proposed. Inherent adverse effects are the effects caused by the physical and operational characteristics necessarily associated with the particular use irrespective of the size or scale of operations. Non-inherent adverse effects are any harmful effects caused by physical and operational characteristics not necessarily inherently associated with the particular special exception use, or adverse effects created by unusual characteristics of the site.

Any analysis of inherent and non-inherent adverse effects must first establish what physical and operational characteristics are necessarily associated with a particular special exception use. As established by previous applications, 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; (5) parking and (6) lighting.

Alone, the inherent characteristics are not sufficient to constitute a denial. However, adverse effects that are not characteristic of a child care center are considered non-inherent adverse effects, which may be sufficient to result in the denial of a special exception application.

Presently, a family home day care use is operated on the subject property for 8 children. It is a permitted use under Section 59-C-1.31 of the Zoning Ordinance. This applicant seeks an additional 4 children on site. According to the applicant's statement, many of the current clients walk their children to the site. The applicant anticipates future clients will continue to do this and clients to the Saturday art classes may walk to the site or arrive by private automobile, Ride-On bus or bicycles. Vehicular parking for the use will be located in the gravel apron area off of Piney Branch Road which can adequately

accommodate 2 cars and the pick-up and drop off areas. There are no significant traffic impacts that would result from the proposed special exception.

The outdoor play area is effectively screened by a six foot high board on board fence and mature landscaping. The proposed use will be operated within the basement of the one family home. The noise generated by the children would occur while they are in the play area which is located in the side and rear yards. Given the existing fence, extensive onsite landscaping and the site's location on Piney Branch Road, noise generated by children while in the play area is likely to be an insignificant amount when compared to the noise generated by the daily flow of traffic along this roadway. No new lighting is proposed by this application.

These operational and physical characteristics of the proposed uses are consistent with the inherent characteristics of a child care center. There are no non-inherent adverse effects present in this case.

Sec-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.

Analysis: A group day care home facility is a permissible special exception use in the R-60 Zone.

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

Analysis: The requested use satisfies the standards contained in Section 59-G-2.13.1 of the Zoning Ordinance for Child day care facilities.

- (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.

Analysis: As proposed, the application is consistent with the Takoma Park Master Plan (2000) which recommends additional services that are accessible to mass transit.

- (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.

Analysis: The proposed use will be in harmony with the general character of the surrounding neighborhood. No additional structures or exterior alterations are proposed. Adequate parking exists on site. Traffic conditions will not be affected adversely if this use were granted. There are no other similar uses in the defined 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.

Analysis: As proposed, the minimal increase of four children on the site will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties. Furthermore, as stated in the community planning memo, the proposed use will contribute to the Plan's goals of providing community serving services accessible by mass transit to residents of the neighborhood.

- (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.

Analysis: The proposed use will not cause any objectionable adverse effects such as vibrations, fumes, odors, dust or physical activity. Lighting will be provided from one existing residential light on the house and will not create any illumination or glare above what would be normally associated with one family residential use. The noise generated by the children while in the play area, may be minimal when compared to the noise generated by the daily traffic volumes on Piney Branch Road, an arterial roadway. Nonetheless, to ensure that additional noise levels generated by the increase in children will not cause an adverse effect to the abutting one-family houses, staff is recommending a condition that no more than 6 children are allowed in the play area at any one time.

- (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.

Analysis: There are fifteen approved special exception uses in the defined neighborhood. Of these approved uses, two are for home occupations. The remaining approved special exception uses are for accessory apartments which were approved between 1989 and 2009. Accessory apartments were permitted in specific residential zones, if the standards set forth in the Zoning Ordinance for accessory apartments could be met by the application. Accessory apartments also served as a means of providing affordable housing in the County. On May 20, 2013, County Council Ordinance 17-28 became effective which permits accessory apartments uses in the R-60 zone without a special exception. Thus, the proposed special exception will not result in an excessive concentration of special exception uses in general, or child day care facilities 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.

Analysis: The proposed group day care home 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.

Analysis: The proposed special exception will be served by existing public services and facilities. The LATR/TPAR rates generated by the proposed by use will be less than 3 trips in the both a.m. and p.m. peak hours and thus the use satisfies these transportation requirements.

§59-G-1.23 General Development Standards

- (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.

Analysis: The subject property is located in the R-60 Zone, which permits a group day care home facility. The applicant's submitted site plan outlines the existing house location but not the distances of the existing house to the nearest property lines. (Attachment 1) However by using the applicant's submitted plan, the record plat for the property and the county's Geographic Information System (GIS) data base, staff determined that the application conforms to all applicable development standards of the R-60 zone. The following table on page 13 summarizes the relevant development standards for this application.

Development Standards – R-60 Zone

Development Standards	Required	Provided
Minimum Lot Area	6,000 sq. ft.	28,002 sq. ft.
Minimum Width at Proposed Street Line:	25 ft.	149 ft.
Minimum Front Yard Setback:	25 ft.	68 ft.
Minimum Side Yard Setback: <ul style="list-style-type: none"> • One side • Sum of Both 	8 ft. 18 ft.	30 ft. 59 ft.
Minimum Rear Yard Setback:	20 ft.	33 ft.

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

Analysis: Section 59-E-3.7 of the Zoning Ordinance states, “a family day care home or group day care home requires one space for every non-resident staff member in addition to the residential parking requirement. The required number of spaces may be allowed on the street abutting the site.” This parking requirement for the requested special exception use can be accommodated on-site as there are two spaces for residents and two spaces for the non-resident employees located in the gravel driveway and apron area; the site’s primary access point on Piney Branch Road. The off-site parking facility requirements for special exceptions (Sect 59 –E.2.83 of the Zoning Ordinance), do not apply because the group day care home requires only two spaces for this use. If three parking spaces were required for this special exception, the provisions of Sect 59-E.2-83 would apply.

- (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.

Analysis: Not applicable, as the proposed use is for a group day care home and not one of the special exception uses in the above list.

- (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.

Analysis: This site is not subject to Chapter 22A, Montgomery County Forest Conservation Law, as the 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.

Analysis: Not applicable; the site is not in a Special Protection Area.

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

Analysis: There is no sign proposed by the requested application.

- (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.

Analysis: Not applicable. The proposed group day care home facility is located in an existing residential structure and will 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.

Analysis: The only exterior lighting noted for this application will be the continued use of an existing outdoor building mounted light associated with the residence. This light will not cause glare into the adjacent residential properties.

§59-G-2.13.1 Child day care Facility

- (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.

Analysis: The applicant has submitted such a plan, see 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;

Analysis: The special exception use would require 4 parking spaces: 2 for the residents and 2 for the non-resident employees. The site has sufficient space to accommodate this requirement. While there is also one additional parking space located at the site's second curb cut, approximately 60 feet south of the primary driveway which is available for the residents use, staff did not include this space in the parking requirement for the proposed use. This parking space is not conveniently located to the entrance of the proposed use and would increase the distance walked by future clients with small children in tow.

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

Analysis: Given the number of children proposed (up to 12) automobile queuing on the site is not anticipated to be an issue. Additionally, the history of existing clients arriving to the site by foot, and the Ride-On bus stop located in front of the property offer alternative methods of transportation to the site. Based on a staff site visit, the existing gravel apron area will serve as an adequate area for discharge and pick up of children arriving to the site by automobile.

- (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

Analysis: The applicant has submitted an affidavit to satisfy this standard.

- (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.

Analysis: The proposal will be compatible with the surrounding neighborhood and will not result in nuisances due to the traffic, parking, noise or any type of physical activity.

Conclusion

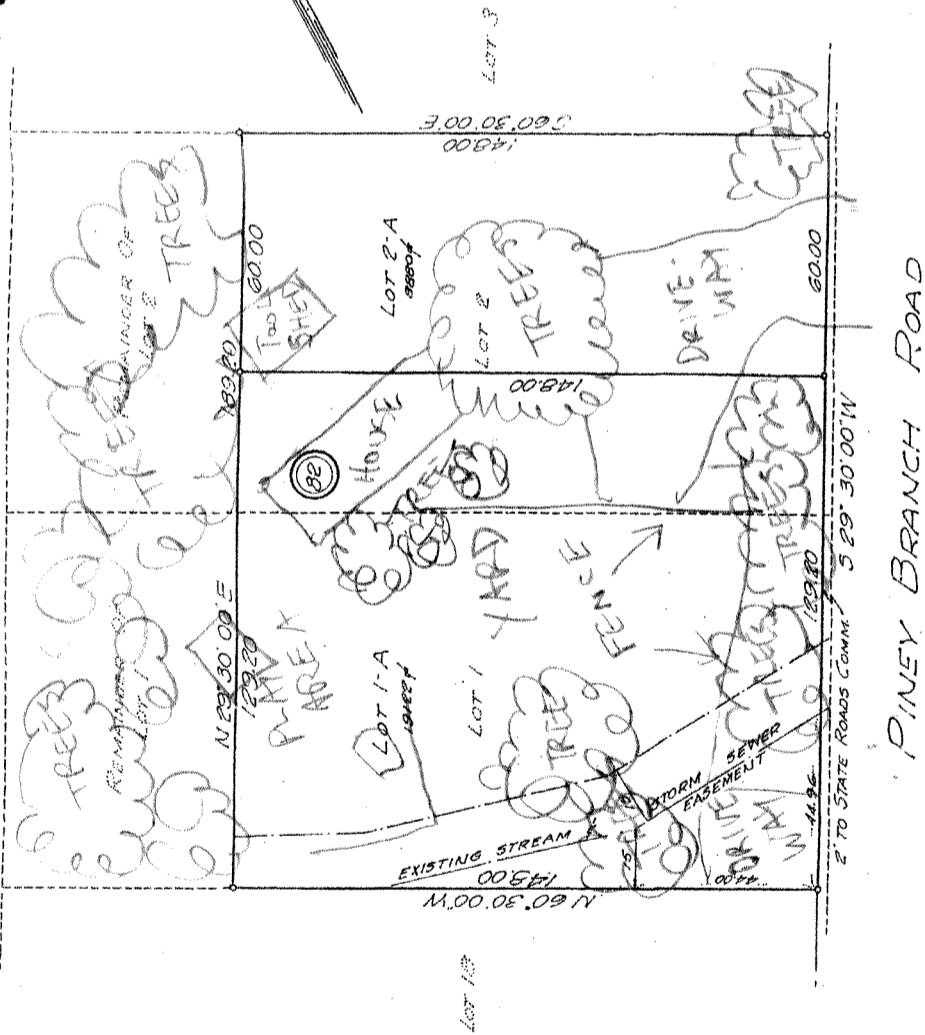
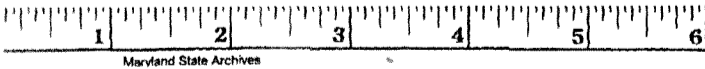
Staff recommends approval of the proposed group day care use for 12 children, subject to the conditions of approval on page 2 of this report.

Attachments:

- Attachment 1: Applicant's submitted Plan
- Attachment 2: A copy of the record plat
- Attachment 3: Master Plan Memorandum
- Attachment 4: Transportation Memorandum
- Attachment 5: Environmental Memorandum
- Attachment 6: Forest Conservation Applicability Form for Special Exceptions

PLAT No3722

Office of Zoning and
AUG 08 2013
Administrative Hearings



ENGINEER'S CERTIFICATE
We hereby certify that the plan shown hereon is correct; that it is a resubdivision of parts of Lots 1 & 2 in a subdivision of part of the Virginia B. Barclay Tract in Takoma Park, as per plot recorded in Plot Book 9 at Plot 202 among The Land Records of Montgomery County, Maryland, being all of the land conveyed by Theodore B. Ruhoff and S. Catherine Ruhoff, his wife, to Dorothy M Ward by deed dated March 2, 1954, and recorded in Liber at Folio among said Land Records; and that iron pipes marked thus: have been placed as indicated to the approved finish grade.
May 3, 1954
M'NEILL SURVEYS INC.

By: Thomas B McNeill
THOMAS B McNEILL
REGISTERED LAND SURVEYOR
MARYLAND CERTIFICATE #1732

OWNERS' DEDICATION
We, Dorothy M Ward and Herman S Ward, her husband, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and dedicate the street to public use. There are no suits of action, leases, liens or trusts on the property included in this plan of subdivision.

Witness:
Thomas B McNeill
Date: MAY 3, 1954
Dorothy M Ward
Dorothy M Ward

Herman S Ward
HERMAN S WARD

LOTS 1 & 2 A BLOCK 82
VIRGINIA B. BARCLAY TRACT
TAKOMA PARK
MONTGOMERY COUNTY MARYLAND
SCALE 1"=30' MAY 1954

PREPARED BY
M'NEILL SURVEYS INC.
7034 CARROLL AVE
TAKOMA PARK
MARYLAND

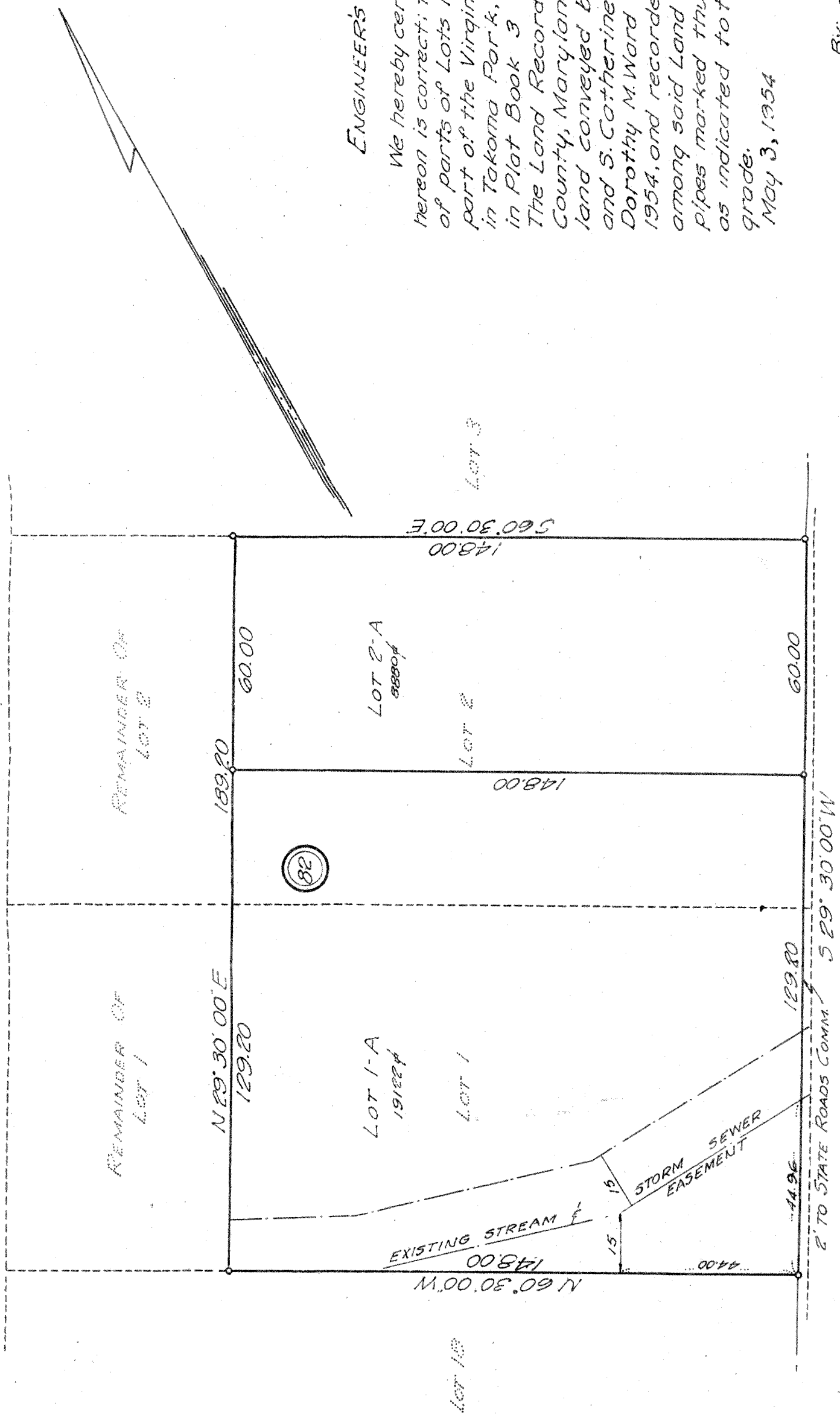
NOT TO SCALE

NOTE:
NO STREET DEDICATION BY
THIS PLAT.

THE MAYOR'S COUNCIL
CITY OF TAKOMA PARK
APPROVED 5-24-54
ORDINANCE No. 1255
DATE
Thomas B McNeill
CITY CLERK

THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
APPROVED MAY 6, 1954
DATE
John F. Hinkle
SECRETARY
TREASURER
CHANCEMAN
MNCPPC RECORD FILE NO. 146-48

EXHIBIT NO. 4
REFERRAL NO. C.E. 14-01



ENGINEER'S CERTIFICATE

We hereby certify that the plan shown hereon is correct; that it is a resubdivision of parts of Lots 1 & 2 in a subdivision of part of the Virginia B. Barclay Tract in Takoma Park, as per plot recorded in Plat Book 3 at Plat 202 among The Land Records of Montgomery County, Maryland, being all of the land conveyed by Theodore B. Ruhoff and S. Catherine Ruhoff, his wife, to Dorothy M. Ward by deed dated March 2, 1954, and recorded in Liber at Folio among said Land Records; and that iron pipes marked thus: ° have been placed as indicated to the approved finish grade.

May 3, 1954 M'NEILL SURVEYS INC.

By: Thomas B. McNeill
THOMAS B. McNEILL
REGISTERED LAND SURVEYOR
MARYLAND CERTIFICATE #1732

OWNER'S DEDICATION

We, Dorothy M. Ward and Herman S. Ward, her husband, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and dedicate the street to public use. There are no suits of action, leases, liens or trusts on the property

27922

PINEY BRANCH ROAD

MEMORANDUM

DATE: October 1, 2013
TO: Kathy Reilly
VIA:

FROM: Melissa Williams, Silver Spring/Takoma Park
Area One Division
REVIEW TYPE: Special Exception Permit for Child Day-Care Facilities
(Group Day Care)
CASE NUMBER: No. SE- 14-1
ZONE: R-60
LOCATION: 7336 Piney Branch Road
MASTER PLAN: 2000 Takoma Park Master Plan

Master Plan Conformance

The Takoma Park Master Plan (the Plan) recommends this area for one-family residential use and confirms the R-60 Zone. It is located near the Flower Village which is a major neighborhood center and a commercial focal point. The Plan vision for each center was that it and the services that it provided should be safe, successful, community-serving, attractive and convenient. The Group Day Care proposed by the applicant which will provide much needed community services to area residents will further these goals. Additionally, the Plan noted the following, “support the provision of a diverse range of commercial services in Takoma Park, such as basic shopping services to nearby neighborhoods, highway commercial services and regionally serving business” (page 40). The applicant’s proposed child care facility will further expand the range of services being offered in the Flower Village neighborhood and the City of Takoma Park as a whole. Additionally, many residents of this community are transit-dependent; as such it is important that community serving businesses such as child care be easily accessible by transit. The planned Purple Line facility will be within walking distance on the applicant’s proposed Group Day Care facility.

Furthermore the Plan asserts that special exceptions are compatible as long as they meet the “standards and requirements” set forth in the Zoning Ordinance.

This proposal is consistent with the plan recommendations since it is: compatible with the existing neighborhood; meets the requirements of the R-60 zone special exception purpose and standards. As, the Group Day-Care (subject application) furthers the Plan's general guidance and is compatible architecturally with the adjoining neighborhood, the Group Day Care is deemed consistent with the Takoma Park Master Plan.

Recommendation

Staff finds that the proposed use is appropriate for the location.

October 3, 2013

MEMORANDUM

TO: Kathy Reilly, Planner Coordinator
Area 1 Planning Division

FROM: Matthew Folden, Planner Coordinator
Area 1 Planning Division

SUBJECT: Home Day Care
Board of Appeals Petition No. SE-14-01
7336 Piney Branch Rd, Takoma Park
Silver Spring/ Takoma Park Policy Area

This memorandum summarizes the Transportation Adequate Public Facilities (APF) review of the subject Board of Appeals petition. The Petitioner is requesting approval to increase the enrollment of an existing family daycare home, from eight to 12 children, and to offer art classes, on Saturday from 9:00 a.m. – 5:00 p.m., for up to eight children. The requested special exception will not increase the number of staff during the week. One additional staff person will assist with the proposed Saturday art class.

RECOMMENDATIONS

Staff finds that the requested special exception satisfies the Local Area Transportation Review and Transportation Policy Area Review (LATR/ TPAR) tests and will have no adverse traffic impact on existing area roadway conditions or pedestrian facilities, as proposed. As a result, staff recommends approval of the special exception application and offers the following conditions and comments:

1. The Petitioner must limit the special exception use to a child daycare facility with up to 12 children and three employees with no more than two non-residential employees on site at any one time.
2. The hours of operation are limited to Monday through Friday, 8:30 a.m. to 5:30 p.m. and Saturdays from 9:30 a.m. to 5:30 p.m.

DISCUSSION

Vehicular Access and Parking

Vehicular access to the site is provided via the primary residential driveway off Piney Branch Road (MD 320). This primary driveway can accommodate up to 2 parked vehicles that would be associated with the proposed use at any one time. In addition to the primary gravel driveway, the property has a second curb cut, located approximately 60 feet south of the primary driveway on Piney Branch Road, with a gravel parking space for one car. This secondary parking area is not counted toward the parking requirement for the proposed use. This space should be continue to be used as parking for the site's residents, if need arises. The location of this space is not practical as a convenient spot for future clients to enter or exit their vehicles with a small child in tow. It also increases the client's walking distance between a vehicle and the proposed use's entrance. Coordination with the Takoma Park Police Department revealed that this stretch of Piney Branch Road is subject to residential permit parking restrictions. The primary residential driveway will continue to have adequate sight distance, on-site queuing, and access to Piney Branch Road under the requested special exception use. No adverse impacts will result from the requested special exception use.

Pedestrian and Transit Service

A three-foot wide sidewalk exists along the site's frontage and connects the site with nearby transit. Staff does not recommend upgrading the sidewalk along this site due to the estimated impact such a project would have given the topography and proximity to a nearby stream. Transit service is available from a bus stop along the site's Piney Branch Road frontage and at the Takoma Metrorail Station, which is located approximately 0.6 miles away. Specific transit routes within walking distance to the site include Metrobus route F4 and Ride-On routes: 3, 14, 17, and 24.

The primary means of transportation to and from the site is foot traffic by parents who are on their way to the Metrorail station. The applicant's statement described that parents will often leave their baby strollers on-site during the day. Several strollers were observed by staff during a site visit as well as a parent walking to the existing family home daycare to drop-off a child.

Master-Planned Roads and Bikeways

The *Approved and Adopted 2000 Takoma Park Master Plan* and *2005 Countywide Bikeway Functional Master Plan* identify Piney Branch Road (MD 320) as Arterial Street A-311, with a 70-foot-wide right-of-way, between Philadelphia Avenue (MD 410) and Eastern Avenue, NW in Washington, DC. This roadway is also designated as bicycle signed-shared roadway SR-49.

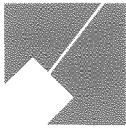
Local Area Transportation Review (LATR)

The existing hours of operation (8:30 a.m. – 5:30 p.m.) include site generated trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 6:00 p.m.) peak periods. The proposed use with no increase in weekday staff and one additional staff person on Saturday would have no adverse impact on the transportation network.

The subject special exception petition is not required to submit a full LATR traffic study because the site will generate fewer than 30 vehicular trips. As a result of this exemption, the applicant submitted a traffic statement that summarized her petition to increase home daycare enrollment from eight to 12 children with no increase in the number of daycare staff during the week. Based on the LATR/TPAR trip generation rate, the proposed use would generate less than 3 new peak hour trips. Any new trips to the site, associated with the proposed use would be a function of pass-by and diverted trips that are already traveling between other origins or destinations. Thus, traffic generated by the proposed increase of four children to the site would not adversely impact the existing traffic conditions.

Transportation Policy Area Review (TPAR)

The subject site is located in the Silver Spring/ Takoma Park Policy Area where the mitigation requirement is 25% of the impact tax. However, no payment is required because the proposed use would generate less than three new peak-hour trips within the weekday morning and evening peak periods.



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

TO: Kathy Reilly, Planner Coordinator, Area 1

FROM: Marco Fuster, Senior Planner, Area 1

SUBJECT: Forest Conservation Review:
Plan # SE 14-01 Special Exception for Child Day Care
7336 Piney Branch Rd. Takoma Park, MD

DATE: August 22, 2013

Mrs. Reilly,

There are no champion trees on or near the subject property (and there are no exterior modifications or disturbance proposed). Therefore the forest conservation law does not apply to the special exception, since it is on a property less than 40,000 square feet. A non-applicability form was previously signed by Staff on July 10, 2013 and was included in the submission packet as exhibit NO.6.

I have no further comment and have signed off with a recommendation for approval.

A handwritten signature in black ink, appearing to read 'mf'.

Marco Fuster
Area 1
MNCPPC
301-495-4521
Email: Marco.Fuster@montgomeryplanning.org

Office of Zoning and

Countywide Planning Division/Environmental Planning

AUG 08 2013

Effective 1/22/08

Montgomery County Planning Department ♦ 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: 7336 Piney Branch Rd
 Subdivision: Barclay Tract Parcel(s) # _____ Lot #(s): 1-A + 2-A Block(s): 82
 Property Tax Identification Number: 01079782

Applicant (Owner or Contract Purchaser):

Soraya P. Leventhal
 Name
7336 Piney Branch Rd.
 Street Address
Takoma Park MD 20912
 City State Zip Code
(301) 588 6961 ()
 Phone No. Fax No.

TOTAL AREA OF PROPERTY: _____ acres 28,002 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):

Soraya P. Leventhal
 Signature

7/11/13
 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:

(Marcia Foster)
 Signature

7/10/13
 Date

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

EXHIBIT NO. 6
 REFERRAL NO. S.E. 14-01