

### Section 7.3.1. Conditional Use E Necessary Findings

**1. To approve a conditional use application, the Hearing Examiner must find that the proposed development: No Previous approval on subject site**

**a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;**

No Previous approval on subject site

**b. satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;**

I am in zone R-60 and therefore am permitted for a conditional use.

**c. substantially conforms with the recommendations of the applicable master plan;**

Futurestar Child Care, located at 7404 New Hampshire Ave, fully embraces the recommendations of the Takoma Park Master Plan, as cited on page 24. The plan clearly supports child care operations as vital community resources. By accommodating up to 20 children, we align with the plan's land use objective to encourage "Small scale cooperatives (family/daycare/preschool) and other community-serving uses." Under the guidance of Zeshan Naeem and Sadia Naeem, Futurestar Child Care is committed to fulfilling the identified need for child care services, thus contributing to the community's vision and mission as set forth in the master plan

**d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;**

Futurestar Child Care's proposed expansion is inherently harmonious with the surrounding neighborhood and maintains the current residential character. We do not anticipate any physical modifications to our property at 7404 New Hampshire Ave. Consequently, the proposed increase in capacity for our day care operations will not impact the neighborhood's aesthetic or structure.

Located within a single-family home, Futurestar Child Care has always been, and will continue to be, an integrated part of the community fabric, without necessitating any exterior structural changes to facilitate our growth from a In-Home daycare to a Day Care Center. The residential nature of the property will remain, with no additional lighting or modifications that could impose on our neighbors. The existing fencing around the property ensures privacy and mitigates any potential disturbance, preserving the quiet residential ambiance.

Playtime outdoors will be thoughtfully managed to limit any noise, with strict adherence to one-hour sessions in the morning and afternoon, with no more than 10 children participating simultaneously. Parking considerations have been thoroughly evaluated, ensuring ample availability both on-site and within the immediate vicinity to meet the needs of our families. Furthermore, we have devised a system of staggered drop-off and pick-up times to minimize traffic flow and neighborhood disruption.

**e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses**

***sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area: This conditional use will not affect the area adversely or alter the residential nature of the area.***

In compliance with Section F of the Montgomery County Zoning Code, Futurestar Child Care at 7404 New Hampshire Ave affirms that our proposed use will be supported by adequate public services and facilities. This includes, but is not limited to, local schools, police and fire protection services, water and sanitary sewer infrastructure, public roads, and storm drainage systems.

***f. 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. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***

***i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or***

***ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and***

Aligned with the current Technical Staff reports, Futurestar Child Care is positioned within an existing structure, which historically served as a residence, thus ensuring that our operations inherently align with the established provision of public services and facilities. Moreover, it is important to note that our application does not necessitate a preliminary plan of subdivision, placing the responsibility on the Hearing Examiner to verify the adequacy of public services and facilities for our proposal.

As a small child care establishment, our impact on local resources is minimal, avoiding any significant additional demand on the existing infrastructure, including educational institutions and emergency services. Technical Staff's explicit findings further corroborate the sufficiency of services to support the proposed use, detailing no substantial adverse impact on transportation facilities or other public amenities.

In light of these considerations, Futurestar Child Care confidently asserts that our facility, dedicated to nurturing the young minds of up to 20 children, will be adequately served by the community's public services, upholding the quality and reliability expected by the families we serve and the broader community of Montgomery County.

***g. will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:***

***i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***

***ii. traffic, noise, odors, dust, illumination, or a lack of parking; or***

***iii. the health, safety, or welfare of neighboring residents, visitors, or employees.***

The proposed conditional use of the property at 7404 New Hampshire Ave for the Futurestar Child Care center is anticipated to integrate seamlessly with the residential character of the neighborhood. It has been carefully evaluated to ensure minimal impact on the surrounding community and the abutting and confronting properties.

On-site and adjacent parking has been deemed sufficient to meet the needs of the daycare center, and an operational plan has been put in place to limit drop-off and pick-up activities so as to minimize any potential impacts on the neighborhood. This includes conditions of approval that have been proposed to regulate the times and flow of traffic related to the daycare's operation.

Moreover, a significant proportion of the children attending the daycare are from the neighborhood itself, further reducing the necessity for vehicular trips since many can arrive on foot. This local enrollment not only demonstrates the center's integration within the community but also substantiates the minimal traffic impact it will have.

Furthermore, the facility has been designed to ensure that the play area is appropriate for the number of children and that the level of outdoor activity remains respectful to the neighborhood's ambiance. Outdoor playtime will be restricted to specific hours, not starting before 9:00 a.m., and the number of children playing outside at any given time will be capped at ten to maintain a tranquil environment.

In terms of infrastructure, the existing lighting and landscaping at the site have been evaluated and found to be more than adequate for our purposes. The lighting, in particular, is of a residential nature, ensuring no spill-over or excessive illumination into neighboring properties.

A thorough review by our team has led to the conclusion that the daycare's operations will not produce any non-inherent effects in the location. This means that the operational characteristics of the daycare will not introduce any unusual conditions that could impact the health, safety, or general welfare of the neighborhood residents.

By adhering to these measures and conditions, Futurestar Child Care demonstrates a commitment to upholding the quality of life within the community and ensuring that the conditional use of the property aligns with the expectations and norms of our neighbors.

**2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.**

The Applicant does not propose any alteration or expansion of the existing structure.

**3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.**

The application satisfies all specific requirements for the conditional use and as discussed above, the proposed use will be compatible with the neighborhood.

**4. In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.**

## **Section 3.4.4. Day Care Facility**

### ***E. Day Care Center (13 - 30 Persons)***

#### **1. Defined**

*Day Care Center (13-30 Persons) means a Day Care Facility for 13 to 30 people where staffing, operations, and structures satisfy State and local regulations. A Day Care Center (13-30 Persons) includes a Family Day Care (Up to 8 Persons) and Group Day Care (9-12 Persons) where the provider is not a resident and cannot meet the non-resident provider requirement.*

#### **2. Use Standards**

*Where a Day Care Center (13-30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section [7.3.1](#), Conditional Use, and the following standards:*

**a. *The facility must not be located in a townhouse or duplex building type.***

It is a detached single family home

**b. *An adequate area for the discharge and pick up of children is provided.***

There is a large driveway with two parking spaces for parent pick ups and drop offs, and enough parking spaces on the street.

**c. *The number of parking spaces under Division [6.2](#) may be reduced if the applicant demonstrates that the full number of spaces is not necessary because:***

*i. existing parking spaces are available on abutting property or on the street abutting the site that will satisfy the number of spaces required; or*

*ii. a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.*

*d. For a Family Day Care where the provider is not a resident and cannot meet the non-resident provider requirement, screening under Division [6.5](#) is not required.*

In accordance with Division 6.2 of the Montgomery County Zoning Code, we propose that the standard requirement for the number of parking spaces be reconsidered and reduced for our planned group day care facility.

The Zoning Ordinance specifies that at least four parking spaces are needed: one for each non-resident employee plus an additional two for the residential use itself, as indicated in Section 59-6.2.4.B. Our proposed day care operation, however, presents a unique case where this number of parking spaces is not warranted. The proposed staffing structure consists of four resident family members who collectively utilize just one family vehicle, thereby reducing our on-site parking requirements substantially.

Further, the Zoning Code allows for on-street parking to count towards meeting these requirements if such parking abuts the property (see Section 59-6.2.4.A.5). In the context of our proposed day care, ample on-street parking is available and should be acknowledged as a viable component of our parking solution.

Our proposed operational model includes a staggered drop-off and pick-up schedule that is designed to mitigate any potential parking or traffic congestion. This system has been proposed based on careful planning to ensure that the impact on the neighborhood is minimal.

Additionally, our proposed Transportation Demand Management Plan underlines our commitment to reducing vehicular traffic to the facility. This plan, alongside the proximity of our client base, who are mostly local residents, further justifies the reduction in parking space requirements.

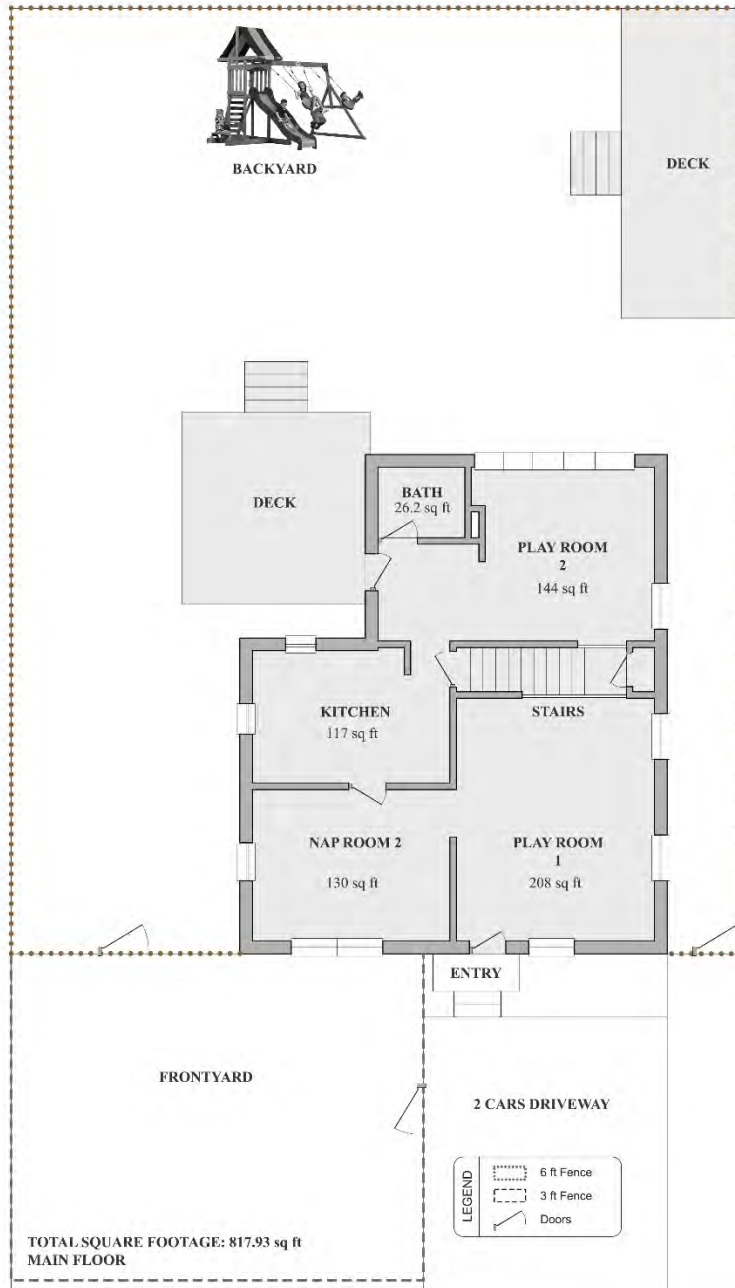
Given the proposed staffing plan, our anticipated efficient use of on-street parking, and our proactive traffic and parking management strategies, we respectfully propose a reduction in the mandated number of parking spaces. This reduction is not only practical but necessary to uphold the intentions of the Zoning Ordinance, balancing the use of the property with the integrity and needs of the local community.

- e. *In the AR zone, this use may be prohibited under Section [3.1.5](#), Transferable Development Rights.*

The subject site is not located in the AR Zone.

# Exhibit

## LAYOUT PLANS

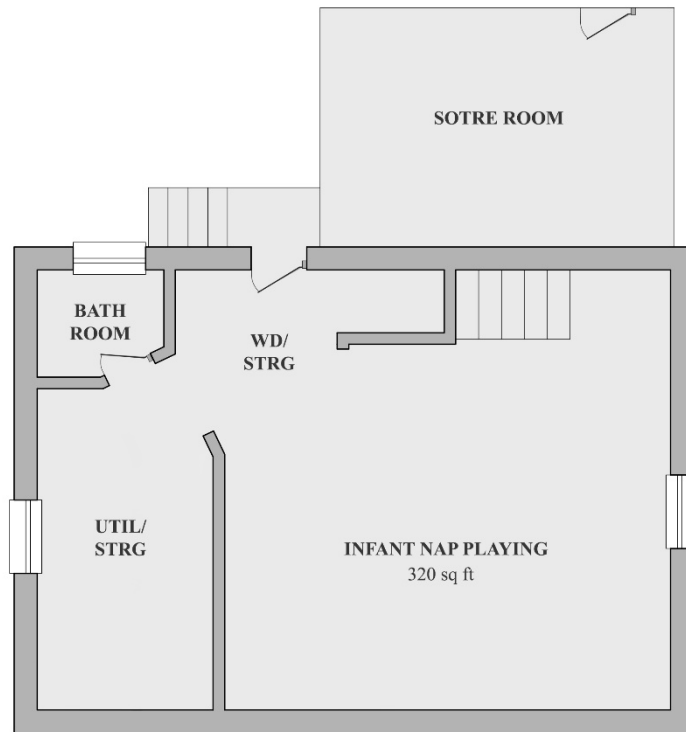








**TOTAL SQUARE FOOTAGE: 438.13 sq ft**  
**FIRST FLOOR**



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**TOTAL SQUARE FOOTAGE: 438.13 sq ft**  
**SECOND FLOOR**



**TOTAL SQUARE FOOTAGE: 438.13 sq ft**  
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## Property Photos:







