




6607 Greentree Road Day Care, 6607 Greentree Road, Conditional Use No. CU202109

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Description

Completed: 10.4.2021

Conditional Use Request to increase the maximum number of children at an existing twelve-child Group Day Care to a Day Care Center with up to 30 children.

Location: 6607 Greentree Road, Bethesda

Zone: R-200

Master Plan: 1990 Bethesda-Chevy Chase Master Plan

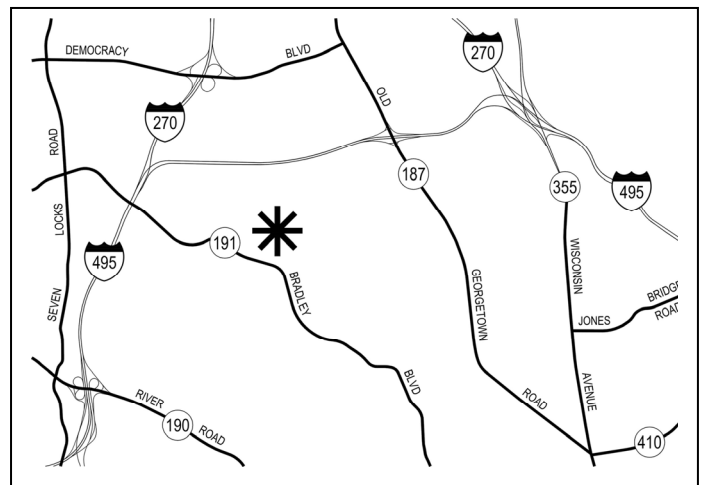
Property Size: 32,405 square feet

Application Accepted: April 9, 2021

Applicant: Creative Arts and Language School

Review Basis: Chapter 59

Hearing Examiner Public Hearing: November 5, 2021



Summary

- Staff recommends **APPROVAL** with conditions.
- MCDOT and Planning Staff requested a queuing/dwell time analysis as part of the Application to demonstrate that the parking on-site and the staggered arrival/dismissal schedule could accommodate parents arriving and leaving the Site without incurring queues on Greentree Road.
- Staff has not received any correspondence for the Application.

Exhibit 44
OZAH Case No: CU 21-09

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use No. CU202109 subject to the following conditions:

1. The Day Care Center must be limited to a maximum of thirty (30) children, three (3) resident employees and up to three (3) non-resident employees.
2. The hours of operation are limited to Monday through Friday, 7:00 AM to 6:00 PM, which is consistent with the current hours of operation.
3. The Applicant must schedule staggered drop-off and pick-up of children with a maximum of nine (9) vehicles dropping off or picking up children during any 30-minute period.
4. The Applicant must provide a minimum of eleven (11) parking spaces on-site:
 - a) Two (2) for residential use
 - b) Nine (9) for the day care, which includes four (4) for the employees and five (5) for day care patrons and visitors.
5. Visitors (excluding parents enrolled in the daycare) shall be instructed to visit the Site outside peak travel times, which are as follows:
 - a) 8:00 AM – 9:00 AM
 - b) 5:00 PM – 6:00 PM
6. The Applicant will delineate the parking spaces with signage or with pavement markings to ensure efficient use of the Greentree Road visitor and parent parking facility on-site.
7. The Applicant will install the following screening elements as exhibited in the Landscape Plan between Greentree Road and the existing parking facility to provide screening for the adjacent residential uses and to uphold the residential character of the surrounding neighborhood:
 - a) 4-foot fence along the western and southern side of the parking on Greentree Road
 - b) 1 canopy tree
 - c) 3 understory/evergreen shrubs
8. The Applicant must either remove the sign or submit a sign variance to the Department of Permitting Services (DPS) Sign Review Board for the size of the existing sign along Fernwood Road and comply with any changes that may be required by the Sign Review Board within 30 days of any final Sign Board decision.

Site and Neighborhood Description

Site Description

The Subject Property (“Property” or “Site”) is 6607 Greentree Road in Bethesda, otherwise known as Lot 6, Block B of the Burning Tree Village Subdivision. It is improved with a detached house (Figure 1) and the Applicant, who resides on the Property, has been operating a twelve-child family day care facility on the premises since June 2015 for children aged three months to five years. The existing Group Day Care, Creative Arts and Language School, occupies portions of the main entry and basement of the house.



Figure 1: Aerial Photo of Subject Site (outlined in red)

The 32,405 square-foot lot is located at the convergence of Greentree Road and Fernwood Road. The Property has two driveways; one on Fernwood Road, used primarily by the residents and employees and one on Greentree Road used by visitors and patrons of the day care.

The outdoor play area is located in the rear yard of the house and is enclosed by wooden vertical board, opaque fencing of varying heights, due to elevation changes on the Property. The height of the fencing varies between 5.25 feet and 5.83 feet, in compliance with the maximum height limits for the R-200 zone.

On-street parking is not available on either of the Site’s frontages. Sidewalks are also not provided within the vicinity of the Site.

Neighborhood Description

The Staff-defined Neighborhood (outlined in blue in Figure 2) is generally bounded by Marywood Road to the north; Bradley Boulevard to the south; Friar Road to the east; and by Burdette Road and the Woods Academy to the west. The Neighborhood is composed of detached houses in the R-200 Zone, R-90 Zone, and R-60 Zone. Two neighborhood parks and Wyngate Elementary School are located just outside of the staff-defined boundary.



Figure 2: Staff-defined Neighborhood

Staff identified four approved conditional uses/special exceptions in operation and located within the defined neighborhood (Figure 3):

1. CBA2092: Day care for up to 10 children;
2. CU201607: Day care for up to 15 children
3. S1804: Accessory Apartment
4. S1142: Accessory Apartment

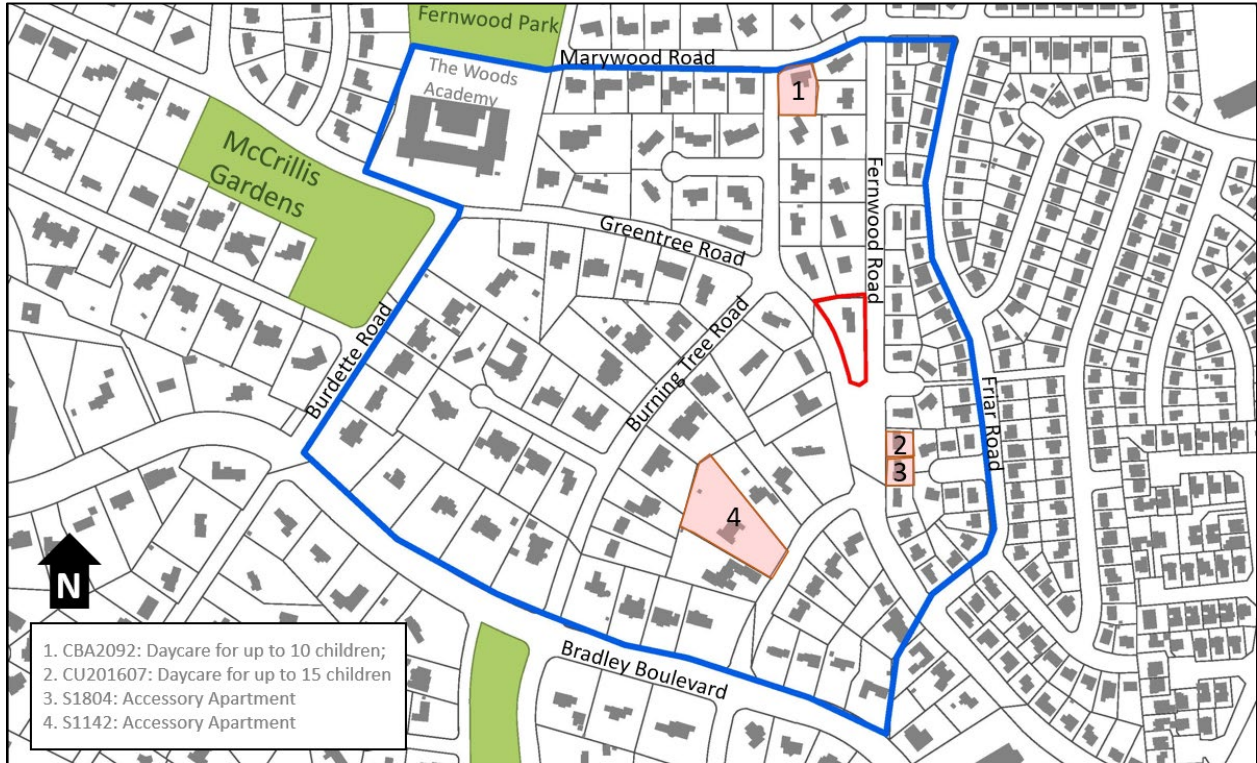


Figure 3: Conditional Uses/Special Exceptions

Project Description

The Applicant is requesting to increase enrollment of the Group Day Care from a facility that cares for up to 12 children to a Day Care Center for a maximum of 30 children. The proposed facility will occupy the same space on the main floor and the basement of the home as the existing day care. The Applicant is not proposing any expansion or change to the indoor day care space and the current hours of operation, Monday through Friday, from 7:00 AM to 6:00 PM, will remain the same. The Applicant is not proposing any exterior changes to the grounds or building on-site, with the exception of a four-foot fence and additional plantings to screen the visitor/parent drop-off on-site parking on the Greentree Road side of the Property.

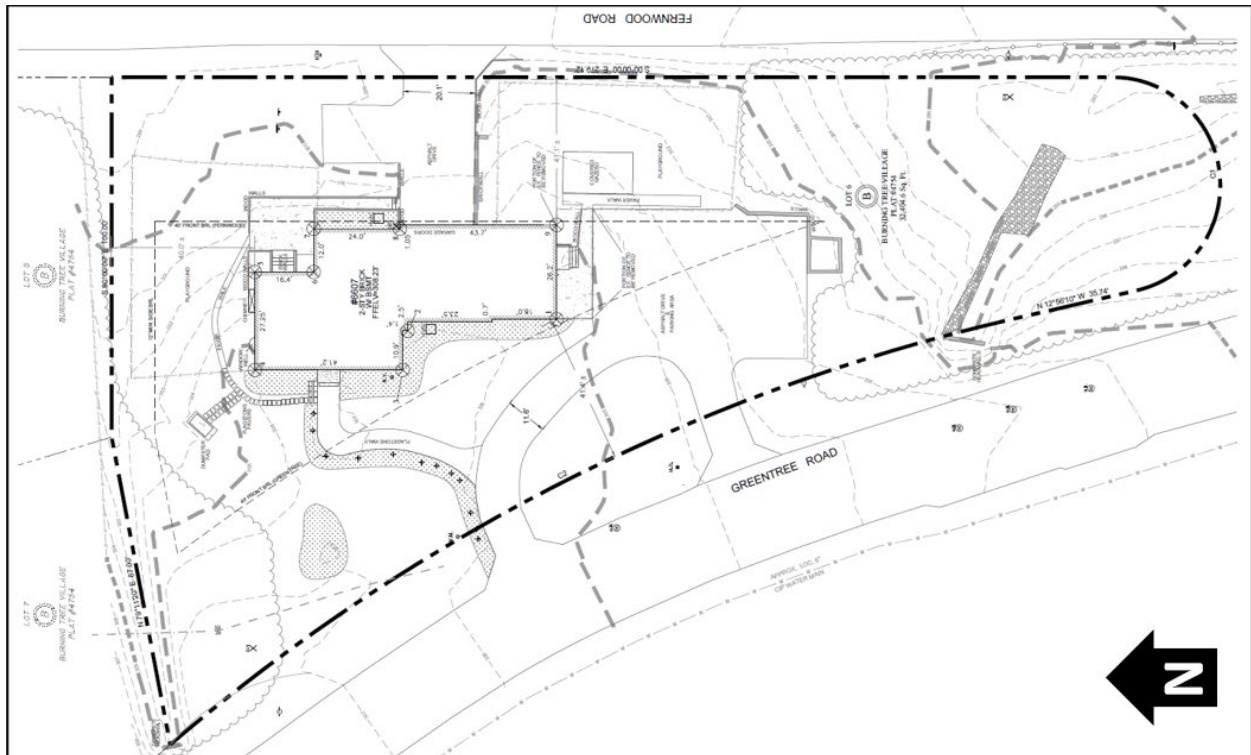


Figure 4: Site Plan

The Applicant has an existing sign along the Fernwood Road side of the Property, shown on the Site Plan (Figure 4). The sign complies with the setback requirement but exceeds the allowable size requirements. As conditioned, the Applicant will submit an application for a variance to the Department of Permitting Services (DPS) Sign Review Board within 30 days of a final OZAH decision, and will submit the decision to the OZAH and comply with any changes that may be required by the Sign Review Board within 30 days of any final decision by the Sign Review Board.

The Applicant also proposes two new signs: (1) one on the face of the building near the main entrance to the day care (shown as “Proposed Sign on Face of Existing Building” on the Site Plan); and (2) new signage near the driveway entrance (requested by Fire/Rescue and shown as “Proposed Identification Sign”). Both signs are planned to meet Sign Ordinance requirements with no need for variance from the Sign Review Board.

The Applicant lives on the Property and staffs the day care with two other residents of the home. The Applicant has indicated that there will be up to three (3) non-resident employees working at the Day Care Center at the home. Per Section 59.3.4.4, up to three (3) non-resident staff persons can be on the Site at any one time.

Most of the day care activities will occur indoors, including educational instruction, meals and snacks, and naptime. There are two fenced playgrounds on the Site, and outdoor play is a regular component of daily activity, weather permitting. Children activities are organized by age groups. For this reason, children using the playgrounds would be divided by age between the two playground areas. It would be highly unusual for all children to be outside at one time. Parent drop-off and pick-up times are staggered from 7:00 AM to 10:00 AM and 3:30 PM to 6:00 PM to minimize the impacts on the adjacent residential streets.

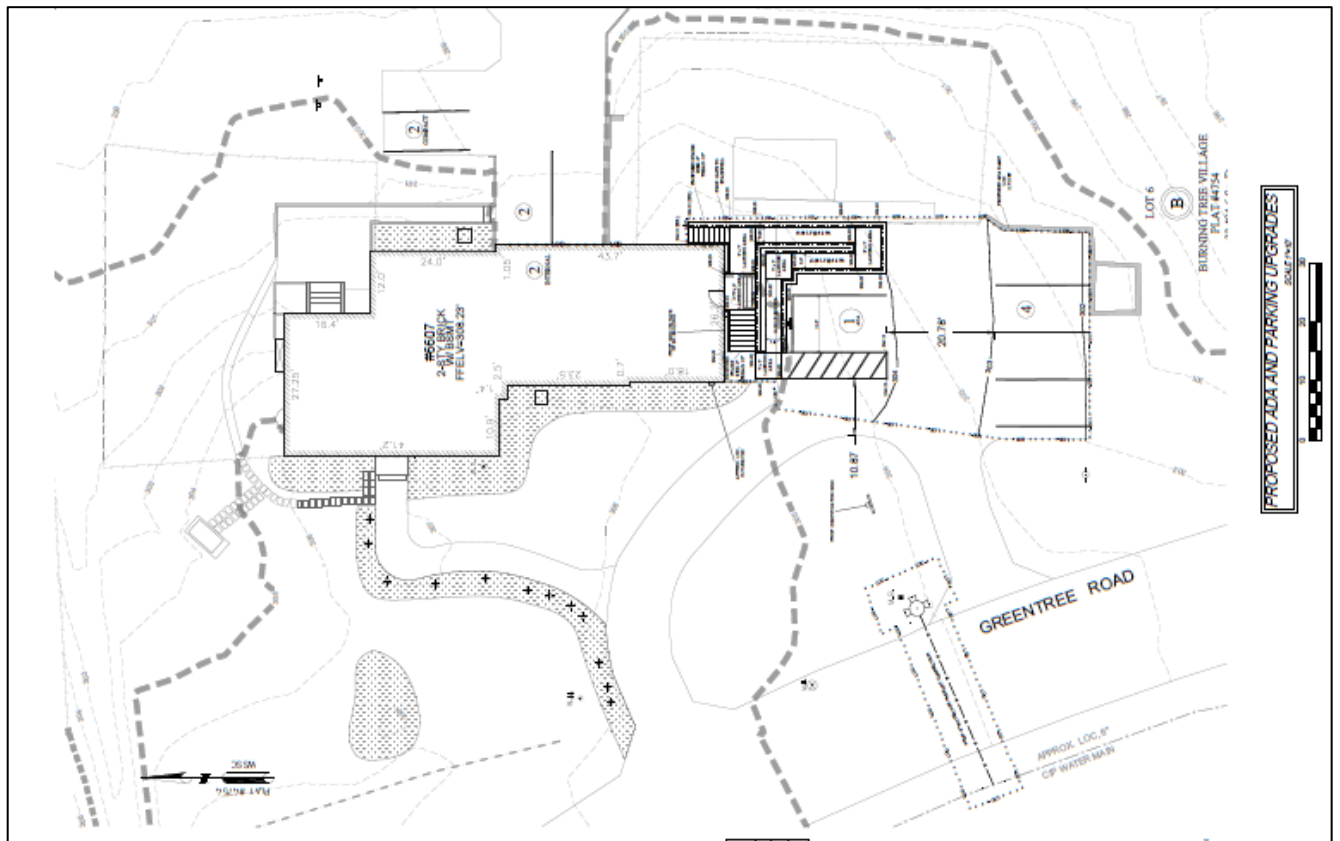


Figure 5: ADA Accessibility Upgrades and On-site Parking Exhibit

Access and Circulation

The current driveway configuration will remain for the proposed expansion, with residents and staff utilizing the Fernwood Road driveway and parking area, and the driveway off Greentree Road will be utilized by patrons and guests. The Applicant indicates that at least five (5) parking spaces are available for the day care accessible by the Greentree Road Driveway. The circular driveway on Greentree Road can also accommodate overflow parking if there are unavailable spaces within the designated parking areas. No parking is permitted on Fernwood Road or Greentree Road.

The Applicant proposes additional screening of the existing parking facility on Greentree Road to preserve the residential character of the neighborhood.

No sidewalks or designated bikeways are present on either of the Site's frontages.

Approximately 360 feet north of the Site is a bus stop served by RideOn Route 47. RideOn Route 47 provides service between the Rockville Metro Station and the Bethesda Metro Station. It operates daily with 30-50-minute headways during the week between 5:45 AM and 11:00 PM and with approximately 60-minute headways on Saturdays and Sundays.



Figure 6: Front view of house, looking east from Greentree Road



Figure 7: Visitor and Patron Parking Accessed from Greentree Road



Figure 8: Staff and Resident Parking accessed from Fernwood Road



Figure 9: Backyard Play Area

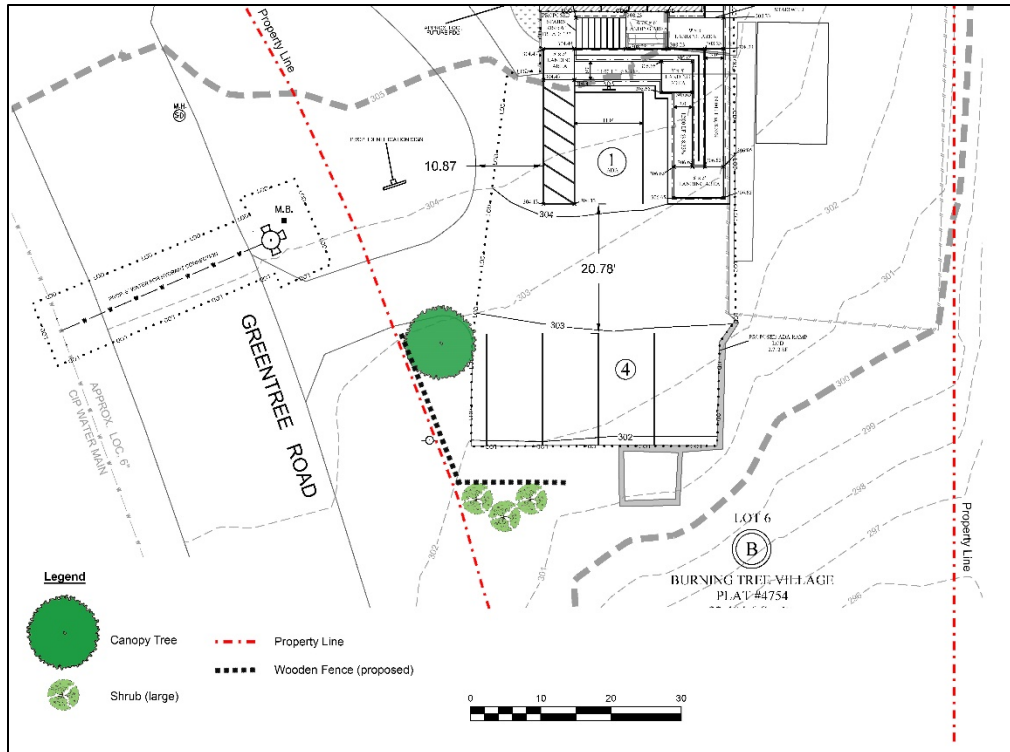


Figure 10: Proposed Vegetative Screening of Parking Accessed from Greentree Road

Environment

The Site contains no streams, wetlands, or their buffers, or known habitats of rare, threatened, or endangered species; thus, the project is in conformance with the Environmental Guidelines. This Application is exempt from the requirements of Chapter 22A Forest Conservation law (per Section 22-A-5(q)(1)), because the conditional use is for an existing structure and will not result in clearing of existing forest or trees. This was confirmed by M-NCPPC Staff on April 9, 2021.

Community Comment

As of the date of posting of this Staff report, Staff has not received any comments in opposition from the community.

Findings

Conditions for Granting a Conditional Use- Section 59.7.3.1.E. Necessary Findings¹

- 1. Where a Day Care Center (13-30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards and Section 7.3.1, Conditional Use;**
 - a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.**

The Applicant received a Use and Occupancy permit authorizing a Group Day Care for up to 12 children on the Property and the Applicant is in compliance with that approval. The Site has no other applicable previous approvals pertaining to the 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;**

Table 1: R-200 Development Standards- Section 59.4.4.7.B

Section	Development Standard	Required/ Permitted	Proposed
59.4.4.7.B.1	Minimum Lot Area (square feet)	20,000	32,404
59.4.4.7.B.1	Minimum Lot Width at Front Building Line (feet)	100	196
59.4.4.7.B.1	Maximum Density (units/acre)	2.18	1.34
59.4.4.7.B.1	Maximum Lot Coverage (%)	25	11
59.4.4.7.B.1	Minimum Front Setback (feet)	40	41.4 (Greentree) 41.1 (Fernwood)
59.4.4.7.B.1	Minimum Side Setback (feet)	12	40
59.4.4.7.B.1	Minimum Sum of Side Setbacks (feet)	25	40
59.4.4.7.B.1	Minimum Rear Setback (feet)	30	N/A
59.4.4.7.B.1	Maximum Height (feet)	45	<45

¹ Findings 59.7.3.1.E.5 and 59.7.3.1.E.6 are not applicable to this Application because the application is for a day care use and not community swimming pool, filing station, etc. and are not included in this report.

Table 2: General Development Requirements- Division 59.6, Parking

Section	Parking	Required Spaces	Proposed
59.6.2.4.B	Vehicle Parking Requirement	Group Day Care: 1 per non-resident employee Dwelling: 2 Total: 5	2 spaces in garage 4 spaces in driveway apron 5 spaces in surface parking area on Greentree Road Total: 11
59.6.2.4.C	Bicycle Parking Requirement	Day Care Center: Home-based day care facilities are exempt from providing on-site bicycle parking. Total: 0	Total: 0

Screening

Screening of the play area is provided by the sight-tight fence consisting of a white vinyl vertical board. The fence height follows the topography of the site ranging from 5.25 feet to 5.83 feet. As the fence never exceeds 6.5 feet in height, it demonstrates conformance with Section 59-6.4.3.c.i. At the edge of the fence, screening is continued by a wooded tree stand.

The Applicant has also agreed to plant the following (as shown on the Landscape Plan) to provide screening between the existing asphalt parking facility on Greentree Road and the abutting residential uses:

- 4-foot fence along the western and southern sides of the parking
- One (1) canopy tree
- Three (3) understory/evergreen shrubs

The additional vegetative screening will also uphold the residential character of the surrounding neighborhood.

Lighting

The existing lighting is residential in nature and will not cause any unreasonable glare on neighboring properties.

Signage

The Applicant has an existing sign along the Fernwood Road side of the Property and shown on the Site Plan. The sign complies with the setback requirement but exceeds the allowable size requirements. As conditioned, the Applicant will apply for a variance from the Department of Permitting Services (DPS) Sign Review Board within 30 days of a final OZAH decision. Furthermore, the Applicant will be required submit the decision to the OZAH and comply with any changes that

may be required by the Sign Review Board within 30 days of any final decision by the Sign Review Board.

The Applicant also proposes two new signs: (1) one on the face of the building near the main entrance to the day care (shown as “Proposed Sign on Face of Existing Building” on the Site Plan); and (2) new signage near the driveway entrance (requested by Fire/Rescue and shown as “Proposed Identification Sign”). Both signs are planned to meet sign ordinance requirements with no need for variance from the Sign Board.

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

The Site is located within the 1990 *Bethesda-Chevy Chase Master Plan* (Master Plan). Although the Master Plan does not specifically discuss this Property, one of the generalized planning recommendations is to “support provisions of both residential and employment based child care services” (page 6). This recommendation is echoed in Section 2.15 Facility and Community Goals and Objectives (page 20), in Section 6.1 Public Schools, Libraries, and Other Facilities (page 146), and again in Section 6.2 People Needs (pages 154-155).

Private child care services have been provided on the Site for over 18 years, and minor changes to the exterior are proposed so as not to change the character of the neighborhood. Considerable thought and care have been put into the Site operations, specifically arrival/dismissal so as not to hinder traffic flow on the adjacent roadways network. The Subject Site is an appropriate location for a day care facility and compatible with the neighborhood. Therefore, the proposal is in substantial conformance with the Master Plan.

Transportation

Master-Planned Roadways and Bikeways

Fernwood Road is a Minor Arterial roadway with a master-planned width of 70 feet. The 2018 *Bicycle Master Plan* recommends a sidepath along the Site’s Fernwood Road frontage (side TBD). The sidepath, when constructed will ultimately connect to future sidepaths south of the Site along Fernwood Road and Bradley Boulevard. The Subject Application does not preclude future improvements along Fernwood Road therefore no further participation on behalf of the Applicant is required.

Greentree Road is a Primary Residential roadway with a master-planned width of 70 feet. No designated bicycle facilities are recommended on Greentree Road along the Site frontage at this time.

Pedestrian Facilities

Sidewalks are not provided on either of the Site’s frontages on Greentree Road or Fernwood Road. The 1990 *Bethesda-Chevy Chase Master Plan* prioritizes the installation of sidewalks along Major Highways, Arterials, and Primary Streets (page 102). As mentioned previously the western side of the property fronts on a Primary Residential Road and the eastern frontage on a Minor Arterial, and therefore sidewalks are envisioned along these roadways. While the County does not have sidewalks programmed into the current Capital Improvements Program along the Site frontages at this time, the Project does not preclude future installation. Therefore, no further participation on behalf of the Applicant is required.

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

The proposal is harmonious with and will not alter the character of the surrounding neighborhood. The only physical changes to the outside of the Property include ADA accessibility upgrades and new signage on the building face and near the driveway entrance that will meet the design and placement standards of County Zoning Ordinance and Fire Code. The Applicant has arranged the off-street parking facility on-site and has scheduled arrivals and dismissals of the students to avoid negative impacts to the adjacent travel network. Therefore, the proposed expansion of the existing day care use will not alter the character of the neighborhood. Additional fencing and vegetative screening of the off-street parking facility on Greentree Road will further improve the Site and uphold the residential character of the surrounding neighborhood.

- 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;**

Staff identified four approved conditional uses/special exceptions within the Staff-defined neighborhood, which included two home-based Group Day Cares and two accessory apartments. Although approval of this Application will increase the number of conditional uses in the Staff-defined Neighborhood, the proposed day care expansion will not affect the area adversely or alter the area's predominantly residential nature. The existing day care has been operating on the Site since 2013, the Applicant has demonstrated that the Site has adequate space to safely and efficiently accept and discharge students. The Applicant is proposing minor physical changes to the Property. With these provisions in place, the Subject Application will not adversely alter the residential nature of the area and conforms with the applicable master plans.

- 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**

There are adequate public services and facilities to serve the proposed use, and a Preliminary Plan of Subdivision is not required. A summary of the analysis conducted for the Subject Application is included below.

Local Area Transportation Review

A proposed schedule of drop-off/pick-up and staff arrivals during the weekday morning peak period (7:00 AM to 9:30 AM) and evening peak period (4:00 PM to 7:00 PM) is included in the Application for Conditional Use. The morning arrival schedule shows up to 15 children dropped off during the peak hour (8:00 AM – 9:00 AM), and the evening schedule shows up to 18 children picked up between 5:00 PM – 6:00 PM. After incorporating the schedule for staff, a total of 31 trips are estimated in the morning peak hour and 38 trips in the evening peak hour. The trips generated by the Site are summarized in Table 3 below.

Table 3: Site Trip Generation						
	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Parents	15	15	30	18	18	36
Staff	1	0	1	0	2	2
Total			31			38

The trips estimated for the LATR analysis is conservative because it assumes that each child will be driven in a separate vehicle.

Under the 2021-2024 Growth and Infrastructure Policy, a transportation study was not required to satisfy the Local Area Transportation Review (LATR) because the proposed Day Care Center demonstrates that with the staggered arrival and dismissal schedule, the proposed expansion of the day care will generate fewer than 50 person trips in the peak travel hours.

- 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, residents, visitors, or employees**

An analysis of inherent and non-inherent adverse effects considers size, scale, scope, light, noise, traffic, and environment. Every conditional use has some or all of these effects in varying degrees. Thus, inherent effects associated with the use have to be determined. In addition, non-inherent effects have to be determined as these effects may, by themselves, or in conjunction with inherent effects, form a sufficient basis to deny a conditional use. It must be determined during the course of review whether these effects are acceptable or would create adverse impacts sufficient to result in denial.

Staff has identified the following inherent impacts of the proposal:

The inherent physical and operational characteristics necessarily associated with a Group Day Care facility include: (1) vehicular trips to and from the Site; (2) queuing on adjacent roadways; (3) Screening of Visitor/Parent Parking; (4) outdoor play areas; and (5) lighting.

Vehicular Trips

As discussed in the previous finding, the propped increase in enrollment does not require a transportation impact study of the adjacent transportation network per the 2021 LATR Guidelines.

Per Section 59-6.2.4.B. the Site must provide two (2) spaces for the residential use, and a minimum of three (3) spaces for the non-residential employees. This come to a total of five (5) off-street parking spaces. Staff noted that no parking is available on either of the Site's two street frontages and had concerns about the Site's ability to accommodate parents parking when dropping off and picking up their children. It was important to demonstrate that the proposed increase in enrollment would not cause queuing on the adjacent roadways. A summary of that analysis is included below.

Queuing Analysis/Dwell Time Assessment

The Site provides a total of 11 off-street parking spaces. Six (6) spaces are accessed from the Fernwood Road driveway. Two (2) spaces are provided in the garage to be used by the residents and the remaining four (4) are accommodated within the driveway apron. Five (5) parking spaces, including one (1) ADA accessible space, are accessed from Greentree Road. These spaces are intended to be used by visitors and parents/guardians escorting children in and out of the day care facility. A circular driveway, which connects to the surface parking facility on Greentree Road is also available for overflow parking. While 11 on-site parking spaces is more than double the minimum number of spaces required for the combined uses on the Site, the Applicant was directed to conduct a dwell-time analysis of the existing operations (including the staggered arrival/dismissal schedule as conditioned) and then scaled to the proposed increase of students (maximum 30) to determine if queuing on Greentree Road would be a likely occurrence and cause congestion along the Site's frontage on Greenwood Road.

An analysis of the Site traffic operations, developed by MCV Associates Inc., dated August 27, 2021 was submitted to Staff in response to requests made after reviewing the Application's initial submittal. As recorded in the report, arrival and departure patterns were observed on July 8, 2021. MCV staff timed parents once they entered the Property during peak arrival and dismissal times. In the morning, the drop-off time varied from a low of 2 minutes and 15 seconds, and a high of 6 minutes and 45 seconds. Therefore, the average dwell time is 4 minutes and 9 seconds. Afternoon pick-up time resulted in an observed low of 2 minutes and 12 seconds and a high of 12 minutes and 25 seconds. It was noted that no queuing was observed during the arrival and dismissal periods.

Staff estimated the turn-over capacity for each space and the entire parking facility by applying the longest dwell times in each peak hour period to the staggered pick-up and drop-off schedule. In the morning peak hour, each space can turn over 8 vehicles in an hour and the entire facility can turn over 40 total vehicles in an hour. Applying that to the peak hour of the drop-off schedule, 8:00 AM – 9:00 AM, there is ample capacity for the 15 parents scheduled to arrive on the Site.

In the evening peak hour, each space can turn over 4 vehicles in an hour, and therefore the whole parking facility can turn over a maximum of 20 vehicles in an hour. Applying that to the peak hour of the pick-up schedule, 5:00 PM – 6:00 PM, there is sufficient capacity for the 18 parents scheduled to arrive on the Site.

The dwell time analysis noted that no parents used the additional, overflow parking within the circular driveway on Greentree Road. Additionally, the scaling applied for the proposed increase in students did not assume any reductions for siblings. Therefore, Staff agrees that the analysis has demonstrated that the staggered schedule and parking facility as proposed is unlikely to result in queuing on Greentree Road.

Screening Parent Parking Facility

As conditioned, the Applicant will install additional fencing and vegetative screening of the off-street parking facility on Greentree Road, to uphold the residential character of the surrounding neighborhood.

Outdoor Play Areas

Most of the day care activities will occur indoors, including educational instruction, meals and snacks, and naptime. There are two fenced playgrounds on the site, and outdoor play is a regular component of daily activity, weather permitting. Children activities are organized by age groups. For this reason, children using the playgrounds would be divided by age between the two playground areas. It would be highly unusual for all children to be outside at one time. Outdoor play will not occur before 7:00 AM to limit outdoor noise. Screening of the play area will continue to be provided by the existing sight-tight fence that is over 5.5 feet in height.

Lighting

The existing lighting and existing/proposed landscaping on the Site are adequate for the proposal. The existing lighting fixtures are residential in nature and will not intrude on neighboring properties. The existing fence complies with design and placement standards of the Zoning Ordinance.

By continuing similar operations to the daycare that exists today, adding screening to the parking facility on Greentree Road, and by scheduling drop-off and pick-up to avoid queuing on the adjacent residential streets, Staff has determined that the Proposal has accounted for and has sufficiently addressed any non-inherent effects at this location.

- h. 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 proposal is for the expansion of an existing day care facility in an existing house; no construction, reconstruction or alteration of the house is proposed. The Applicant proposes new signage in conformance with design and placement standards in the Zoning Ordinance and the Fire Code. Therefore, the expansion of the daycare, as conditioned will continue to be compatible with the character of the residential neighborhood.

- i. 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 is not sufficient to require conditional use approval.**

The proposed use will be compatible with the nearby residential properties and Staff recommends approval with conditions.

Use Standards for Group Day Care- Section 59.3.4.4.E.2

1. Where a Day Care Center (13-30 Persons) is allowed as a conditional use, it must satisfy the following standards:
 - a. The facility must not be located in a townhouse or duplex building type.
 - b. An adequate area for the discharge and pick up of children is provided.
 - 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.
 - e. In the AR zone, this use may be prohibited under Section 3.1.5, Transferable Development Rights.

The facility is not located in a townhouse or duplex. As described in the Queuing/Dwell Time analysis (covered in previous findings of this report) there is adequate area for discharge and pick-up of children on-site. The Applicant is not seeking a reduction in the minimum required parking spaces on-site. The Applicant is providing more double the minimum required parking spaces on-site. The Applicant is the owner of the Day Care Facility and a resident on the Site. The Site is not located in the AR Zone.

CONCLUSION

The proposed conditional use complies with the general conditions and standards of a Group Day Care, subject to the recommended conditions of approval. The proposed use meets the findings set forth in Section 59.7.3.1.E. of the Zoning Ordinance, is consistent with the goals and recommendations of the 1990 *Bethesda-Chevy Chase Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval with conditions.

Attachments:

Attachment A: Forest Conservation Applicability for Conditional Uses/Special Exceptions

Attachment B: Site Plan, Parking Plan, Landscape Plan

Attachment C: Subdivision Plat 4754

Attachment D: Drop-off and Pick-up Schedule & Traffic Statement

Attachment E: Fence Exhibit

Attachment F: Agency Approval Letters