

Prince George's County Special Exception Application No. SE-4381

Applicant: Jerome and Lisa Seegers

Location: The subject property is located at the north side of Old Landover Road, approximately 600 feet west of 65th Street.

Request: Special Exception for a Day Care

R E S O L U T I O N

WHEREAS, the applicant has requested a special exception for a day care center for children in accordance with Section 27-348.01 of the Prince George's County Zoning Ordinance; and

WHEREAS, the Technical Staff Report released on September 29, 2000, recommended APPROVAL, with conditions; and

WHEREAS, on October 5, 2000, the Prince George's County Planning Board continued the case to allow the applicant to provide additional information; and

WHEREAS, after consideration of the Technical Staff Report and testimony at its regular meeting on October 26, 2000, the Prince George's County Planning Board agreed with the staff recommendation and adopts the staff analysis and recommendation as its own in this case; and

WHEREAS, the Planning Board recommendation is based on the findings and conclusions found in the Technical Staff Report and the following DETERMINATIONS:

- A.. The subject property is located on the north side of Old Landover Road, approximately 633 feet west of 65th Avenue. This property is developed with a one and one-half story, frame dwelling. An asphalt parking area is located in the front yard.
- B. The property was rezoned from the R-55 to the R-80 Zone during the 1994 Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity.
- C. The applicant proposes to expand the existing family day care, serving a maximum of 8 children, to a day care center for a maximum of 24 children.
- D. The neighborhood is defined by the following boundaries:
 - North: Annapolis Road (MD 450)
 - South: Landover Road
 - East: Cooper Lane

West: 63rd Avenue

The property is surrounded by the following uses:

North: Undeveloped land in the R-80 Zone

South: Across Old Landover Road is a church in the R-80 Zone

East: Undeveloped lot owned by M-NCPPC and single-family detached dwellings in the R-80 Zone

West: Single-family detached dwellings in the R-80 Zone

E. Section 27-348.01 provides the following specific requirements for day centers for children:

1. A day care center for children may be permitted subject to the following:

- (a) **The District Council may specify the maximum number of children to be enrolled, which may not be increased by State or local health, education, or fire regulations.**

Comment: The applicant proposes an enrollment of 24 children.

- (b) **An ample outdoor play or activity area shall be provided in accordance with the following:**

- (1) **All outdoor play areas shall have at least 75 square feet of play space per child for 50 percent of the licensed capacity or 75 square feet per child for the total number of children to use the play area at one time, whichever is greater;**

Comment: A day care center with a capacity of 24 students requires a minimum play area of 1,800 square feet ($75 \times 24 = 1,800$). The site plan indicates that a 1,855-square-foot play area is proposed.

- (2) **All outdoor play areas shall be located at least 25 feet from any dwelling on an adjoining lot, and shall be enclosed by a substantial wall or fence at least four feet in height;**

Comment: The site plan indicates that the closest dwelling on an adjoining lot is 25.12 feet from the play area. In addition, the play area will be enclosed by a chain-link fence that is 48 inches tall.

- (3) **A greater setback from adjacent properties or uses or a higher fence may be required by the District Council if it determines that it is needed to protect the health and safety of the children utilizing the play area;**

Comment: There are no apparent safety issues that would require a greater setback for the play area.

- (4) **Any off-premises outdoor play or activity area shall be located in proximity to the day care center, and shall be safely accessible without crossing (at-grade) any hazardous area, such as a street or driveway;**

Comment: No off-premises play area is proposed.

- (5) **The play area shall contain sufficient shade during the warmer months to afford protection from the sun;**

Comment: The site plan shows several existing trees near the play area. These trees are not, in our opinion, sufficient to adequately shade the proposed play area. The Planning Board recommends a total of four additional shade trees with two trees placed on the west side of the play area and two trees near the fence on the east side of the play area. The type of tree shall be Red Maple at a 2.-inch to 3-inch caliper and 8 to 10 feet in height.

- (6) **Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to insure safe operation of the area; and**

Comment: Lighting is not indicated on the site plan. The applicant indicated during a telephone conversation with staff (9-25-00) that no evening or night use of the play area will occur. A note to this effect shall be added to the site plan.

- (7) **Outdoor play shall be limited to the hours between 7:00 a.m. and 9:00 p.m.;**

Comment: The proposed day care center will meet this requirement. The applicant provides that the play area hours will be approximately 10:00 a.m. to 11:00 a.m. and 2:30 p.m. to 2:30 p.m.

- (b) **In addition to the requirements of Section 27-296(c), the site plan shall show:**

- (1) **The proposed enrollment;**

(2) **The location and use of all buildings located on adjoining lots; and**

(3) **The location and size of outdoor play or activity areas.**

Comment: The site plan indicates an enrollment of 24 children. The plan also indicates the location of buildings on adjoining lots and the location and size of play areas, as required.

- F. **The parking standard for the proposed day care center is one parking space per eight children.** The Zoning Ordinance also requires two parking spaces for single-family dwellings built after October 1970. Only one parking space is required for dwellings built before this date, and no parking is required for dwellings built prior to 1949. Staff looked at aerial photographs of the property taken in 1968 and found that the house was in existence during spring of 1968. We can therefore conclude that at least one parking space is required to serve the dwelling. The site plan shows three parking spaces, including a handicap parking space for a van to serve the day care center. A total of four spaces may be required.

The Planning Board is concerned that the site will not accommodate four parking spaces. We do not believe a design solution that paves the entire front yard is acceptable given the residential character of the neighborhood. The size of the yard suggests that the maximum number of spaces that can meet the parking requirements is three. If on-site parking is required for the residence, then the sufficient parking for an enrollment of 24 children would not be available. Therefore, if one parking space is needed for the residence, only two spaces could serve the day care use. Under this scenario, only 16 children could be permitted. Only if the house was built prior to 1949 would there be adequate parking for an enrollment of 24 children. No evidence is available to support a claim that the house predates 1949.

The Permit Review Section, in a memo dated May 1, 2000, notes that the site plan must demonstrate an adequate turn-around area. The site plan proposes a parking layout that requires vehicles to back out into the street. The Zoning Ordinance does not permit this type of parking area.

The Board also notes that the parking dimensions shown on the site plan are incorrect. The site plan provides a drawing at 1 inch equals 20 feet scale and an enlarged version of the site at 1 inch equals 10 feet. The smaller drawing (1 in.=20 ft. scale) shows two parking spaces at 9 feet 2 inches x 20 feet and a handicap parking space with no dimensions. The larger drawing shows the parking spaces at 9 feet 6 inches x 20 feet and a handicap van parking space that is 16 feet x 20 feet. **The minimum dimensions for parking spaces are 9 feet 6 inches x 19 feet.**

The Planning Board notes also that the larger drawing indicates that the parking area is 31 feet 11 inches wide. However, in adding the two, 9 feet 6-inch-wide parking spaces and 16-foot-wide handicap van space, the total width of the parking area equals 35 feet 2 inches. The site

plan must be revised to reflect accurate measurements. If two drawings are to be provided on the site plan, they must be consistent.

In addition, the Urban Design Section, in a memo dated July 25, 2000, notes that the proposed parking space for the handicap van interferes with access to the entrance of the day care center. The parking area must be redesigned so that parking does not encroach onto the walkway that serves the main entrance.

7. The proposed use is not subject to the requirements of the *Landscape Manual*. **Section 27-328.02 of the Zoning Ordinance exempts uses which do not require the construction, enlargement or extension of a building from the requirements of the *Landscape Manual* for the purposes of special exception review.** This application does not propose the construction, enlargement or extension of a building. The applicant will use the existing dwelling for the day care center.
 - A. The proposed use and subject property meet the requirements of Section 27-442 for the R-80 Zone. No variances are required.
 - B. No signs are shown on the site plan. The applicant should understand that the location of any freestanding signs must be shown on the site plan prior to final approval. Otherwise a formal site plan revision application will be required to add a sign at a later date.
10. Required Findings:

Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle.**

Finding: With the conditions recommended by the Planning Board, the proposed use and site plan will be in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance generally seek to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County. The Planning Board agrees with the applicants' contention regarding the acute need for day care facilities in urban areas. The proposed day care center will help to address the need for such facilities.

- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

Finding: As discussed in Part G of this report, the parking area does not meet the requirements of the Parking Regulations. However, the Planning Board is recommending that the parking area either be redesigned in accordance with the regulations or a departure from design standards (DDS) application must be approved. With a revised plan that addresses the issues

in Part G of this report (or an approved DDS), the proposed use will be in conformance with all applicable requirements.

The Subdivision Section, in a memo dated June 15, 2000, notes that the property appears to be in a slightly different configuration than is shown on the 1982 tax map. This is significant because deeded parcels that were created prior to January 1, 1982 and have less than 5,000 square feet of gross floor area are exempt from the requirement of filing a subdivision application. The applicant must provide deed information demonstrating that this parcel *in its current configuration*, was created prior to January 1, 1982. Otherwise the property must go through the subdivision process.

With conditions requiring that the applicant address the above issues, the proposed use will be in conformance with all applicable requirements.

- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

Finding: The proposed use will not substantially impair the integrity of the 1994 Master Plan for Bladensburg-New Carrollton and Vicinity. The plan recommends residential development at a ■suburban• (2.5-3.7 dwelling units per acre) density. The property was rezoned from the R-55 to R-80 Zone during the 1994 Sectional Map Amendment. The property also serves as the applicants▲residence. No Master Plan issues are created by this application.

- (4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.**

Finding: With the parking area redesigned in accordance with the Parking Regulations, the proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

Finding: The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The Transportation Section, in a memo dated September 26, 2000, notes that the day care center would only add 5 AM and PM trips to the road network.

- (6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding: The proposed site is less than 40,000 square feet in area (26,612 sq.ft.) and is therefore, exempt from the Tree Preservation Ordinance.

- L. Essentially, the applicant wishes to increase the enrollment of the existing day care center to accommodate the waiting list of parents who seek day care services. This increase in enrollment can be achieved without enlarging or expanding the existing single-family home in which the center exists. The parking area must be redesigned to ensure safe ingress and egress onto the site. No other issues are apparent in the review of this application.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George's County Planning Board recommends that Special Exception No. SE-4381 be APPROVED subject to the following conditions:

1. The day care center is approved for a maximum enrollment of 16 children, unless the applicant can document that the dwelling was built prior to 1949.
2. Prior to the issuance of permits, the site plan shall be revised as follows:
 - a. An adequate vehicle turn-around area shall be provided on-site or a departure from parking and loading standards must be obtained.
 - b. The handicap van space shall be relocated such that it does not encroach into the main entrance of the day care center.
 - c. All measurements and dimensions shown for the two drawings shall be consistent and accurate.
4. Provide four additional shade trees, with two trees placed on the west side of the play area and two trees near the fence on the east side of the play area. The type of tree shall be Red Maple at a 2.-inch to 3-inch caliper and 8 to 10 feet in height.
1. A note shall be added to the plan stating that no evening or night use of the plan area will be permitted.
3. Prior to the issuance of permits, the applicant must provide deed information demonstrating that this parcel *in its current configuration*, was created prior to January 1, 1982, Otherwise the property must go through the subdivision process.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe and Hewlett voting in favor of the motion, and Commissioner Brown absent at its regular meeting held on Thursday, October 26, 2000, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 30th day of November 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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