

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed SE-4413 requesting a day care center for 60 children in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on January 17, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The subject property is a rectangular-shaped parcel on the east side of Haynes Road. The property is developed with a small single-family detached home and two duplex (2-family) homes located behind the single-family house. A gravel driveway provides access to the subject property.
- B. History: The 1990 Sectional Map Amendment for Subregion I retained the property in the R-R Zone.
- C. Request: The applicant wishes to raze an existing single-family home and build a two-story, 3,243-square-foot day care center for 60 children.
- D. Neighborhood and Surrounding Uses:

The property is surrounded by the following uses:

- North - Single-family homes and townhouses (to the northwest) in the City of Laurel.
- East - Townhouse development in the R-T Zone.
- South - Single-family detached homes in the R-R Zone. Farther south at the intersection of Haynes Road and Old Sandy Spring Road is a used car lot in the R-R Zone.
- West - Across Haynes Road is a townhouse development in the City of Laurel and single-family detached houses to the southwest in the R-R Zone.

The neighborhood is defined by the following boundaries :

- North - Brooklyn Bridge Road/Montgomery Street.
- East - Ninth Street
- South - MD 198

West - I-95

The neighborhood contains a mixture of townhouses and single-family detached dwellings. Commercial and office uses are prevalent along the southern boundary between Old Sandy Spring Road and MD 198.

F. Specific Special Exception Requirements: Section 27-348.01 of the Zoning Ordinance provides that:

(a) **A day care center for children may be permitted, subject to the following:**

(1) **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;**

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

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

The site plan indicates that a 2,600-square-foot outdoor play area will be provided. This play area can accommodate a maximum of 34 students. The minimum size for a play area for 30 children (50 percent of the proposed capacity of 60 children) is 2,250 square feet. The site plan demonstrates that the square footage of the outdoor play area is sufficient to accommodate no more than 34 children at the same time $(2,600 / 75 = 34.66)$. A note to this effect should be added to the site plan.

(B) **All outdoor play areas shall be located at least twenty-five (25) feet from any dwelling on an adjoining lot, and shall be enclosed by a substantial wall or fence at least four (4) feet in height;**

The outdoor play area is located more than 25 feet away from any dwelling on an adjoining lot and will be enclosed by a 4-foot-high chain-link fence.

(C) **A greater set back 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;**

There are no safety issues apparent to justify a higher fence for the proposed play area.

- (D) 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;**

The site plan indicates that the outdoor play area will be located on the same parcel as the day care center. No roads or other hazards need to be crossed to access the outdoor play area.

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

The site plan demonstrates sufficient shade for the play area as required. Three large existing maple trees along the western edge of the proposed play area will provide sufficient shade.

- (F) 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**

As noted on the site plan, the play area will not be used before or after daylight hours. No lighting of the play area is proposed.

- (G) Outdoor play shall be limited to the hours between 7 A.M. and 9 P.M.;**

The site plan indicates that the outdoor play will be limited to daylight hours.

- (3) In the C-W, C-M, I-1, I-2, and I-4 Zones, a Special Exception for a day care center for children shall be allowed only if the Council finds that existing development and uses in the neighborhood (particularly on adjacent properties) will not adversely affect the proposed use.**

The property is zoned R-R. Therefore the requirements of this subsection are not applicable.

- (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.**

The site plan demonstrates conformance with these requirements.

- (c) Any day care center for children which has, on or before the effective date of this Ordinance, fully complied with the provisions of this Subtitle in effect at**

the time the use commenced shall not be required to meet the requirements of this section, provided that the use has not been expanded or changed since that time. Any expansion or change shall be governed by the provisions of this section, or of Sections 27-445.03, 27-464.02, 27-475.02, or 27-541.02.

This requirement does not apply to this application.

- (d) For the purposes of this section, enrollment shall mean the largest number of children enrolled in the center in any one (1) session.**

The proposed enrollment for this use is 60 children.

- G. Parking Regulations: The site plan correctly notes that eight parking spaces are required based on the one parking space per eight student requirement in the Parking Regulations (Section 27-568(a)). The plan also correctly provides eight parking spaces for the four existing dwellings (i.e., two duplex units) on the property. The parking requirement for duplex dwellings is two spaces per dwelling unit.
- H. Landscape Manual Requirements: The Urban Design Section, in a memo dated June 5, 2001, submits the following comments regarding landscaping:
- A day care center is considered a low impact use according to the requirements of the *Landscape Manual*. Since the proposed use is a new use on the property, the proposal is subject to the requirements of Sections 4.2 (Commercial and Industrial Landscaped Strip Requirements) and Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. A buffer yard is required to screen the subject use from the adjacent residential uses according to the requirements of Section 4.7. The proposal meets the landscape buffer and planting requirements of the *Landscape Manual*.
 - The use of *Quercus Palustris* in the parking lot is inappropriate due to the drooping lower limbs of the tree, which is its typical form. Also, the height of the shade trees does not correspond to the caliper description, per the American Standards for Nursery Stock.
 - Therefore, the applicant should correct the height or remove the height designation in the planting list, as it is not necessary. Further, the caliper designation does not correlate with the height of the evergreen tree. Therefore, remove the caliper designation. The applicant's engineer should consult the American Standards for Nursery Stock for future plan review by this agency.

The site plan shows existing two-family apartment buildings. These dwellings are not included in the special exception boundaries and are not, therefore, subject to *Landscape Manual* requirements.

- I. Zone Standards: The subject use meets the requirements of the R-R Zone.
- J. Sign Regulations: No signs are proposed in this application. If a freestanding sign is contemplated, it must be shown on the site plan prior to the approval of this application.
- K. 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.**

With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes are to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. Young families are in need of convenient day care services for children. The applicant has operated a day care center for 60 students at the Phelps Center in the City of Laurel for 22 years. The applicant now seeks to relocate this center to the subject property. This new facility will allow the applicant to continue to provide quality day care services to residents of the county.

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

With the recommended conditions, the proposed use is in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The applicant has revised the site plan to address issues raised by the Permit Review Section in a memo dated April 30, 2001. The applicant will be required to change the type of shade trees used in the proposed parking lot in accordance with the comments of the Urban Design Section (memo dated June 5, 2001).

- (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.**

The proposed use will not substantially impair the integrity of the 1990 *Master Plan for Subregion I*. The Master Plan recommends residential development at a low-urban density of 8 to 11.9 dwelling units per acre. While the proposed use is not in strict conformance with this recommendation of the Master Plan, a day care center is a use that is typically found in a residential area. In approving the R-R Zone for this property, there is a strong presumption that uses permitted in the zone are deemed compatible, absent evidence to the contrary.

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The Transportation Planning Section, in a memo dated October 12, 2001, provides the following analysis:

■The *Guidelines for the Analysis of the Traffic Impact of Development Proposals* do not contain trip rates for day care facilities. However, the Institute of Transportation Engineers' *Trip Generation Manual*, 6th edition, indicates that a 60-student day care facility would generate a total of 49 AM (26 in, 23 out) and 52 PM (24 in, 28 out) peak-hour vehicle trips. Many of these trips are usually made by persons already on the roadway, and the *Trip Generation Manual* suggests that up to 65 percent of day care peak-hour trips are pass-by trips (i.e., already on the roadway). Therefore, 17 AM (10 in, 7 out) and 18 PM (7 in, 11 out) vehicle trips are new trips, while the remainder are pass-by trips.

■The majority of vehicle trips generated by the use on the subject property would utilize the intersection of Van Dusen Road and Old Sandy Spring Road. There are no improvements which are programmed with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program at this location or in the immediate area. The transportation staff has no available data at the intersection from which to draw any conclusions. Observations at the location indicate few operational problems that would be exacerbated by the presence of a day care facility at this location.

■The site plan poses no circulation issues as submitted. Haynes Road is a secondary residential street within a 50-foot right-of-way; this is sufficient.

■Conclusion

■The Transportation Planning Section finds that there are no significant transportation impacts which would result from the proposed Special Exception.●

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

With the recommended conditions, the proposed use will not be detrimental to adjacent properties or this neighborhood. The proposed day care will bring additional traffic into the neighborhood. The site plan indicates a parking area that will handle the flow of traffic without creating an on-street queuing problem.

In response to issues raised by members of the community regarding traffic safety, the Planning Board recommends that the applicant should request that the Department of Public Works and Transportation (DPW&T) install a ■Children At Play● sign on Haynes Road. A centerline should also be provided by the applicant on Haynes Road along the front of the subject property to ensure the safe flow of traffic. A limit of 20 students in the play area is also recommended to address noise concerns.

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

The site is exempt from TCP requirements as it does not contain at least 10,000 square feet of woodlands. An exemption letter from the Environmental Planning Division accompanies the application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED , subject to the following conditions:

1. The site/landscape plan be revised prior to the issuance of permits to include the following:
 - a. Elimination of the Quercus Palustris (Pin Oak) in the parking area and provide shade trees that do not have drooping lower limbs.
 - b. The height of trees on the planting list shall be removed or corrected in accordance with the American Standards for Nursery Stock.
 - c. The caliper of the proposed evergreen trees shall be removed or corrected to correlate with the proposed height the trees.
 - d. Revise Note 8 to limit the use of the play area to a maximum of 20 students.
 - e. Revise Note 18 to add the phrase: between 7:30 a.m. and 6:30 p.m.
2. The applicant shall request that a "Children At Play" sign be placed on Haynes Road by the
Department of
Public
Works
and
Transportation
(DPW&
T).
3. The applicant (or DPW&T) shall provide a centerline on Haynes Road along the frontage of the subject property.

Adopted by the Prince George's County Planning Board this 14th day of February 2002.

By Frances J. Guertin
Planning Board Administrator

