

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed Special Exception Application No. 4453 requesting an adult day care center and a day care center for children in the R-55 Zone 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 February 28, 2002, the Prince George's County Planning Board finds:

- A. Location and Field Inspection: The site is located in the northwest corner of the intersection of Landover Road (MD 202) and Neighbor Lane. It is developed with a two-story brick building, associated parking lot and a fenced play area. It is currently used as a child day care center.
- B. History: The property was retained in the R-55 Zone by the 1994 *Sectional Map Amendment (SMA) for Bladensburg-New Carrollton and Vicinity*. The existing day care center for 142 children was approved for the site by the District Council on June 12, 1986 (SE-3677). On October 26, 1989, the approved site plan was revised to add 300 square feet of building area and three parking spaces (ROSP-SE-3677/01). At this time the western property line was moved to account for the vacation of 62nd Avenue (V-87120).
- C. Master Plan Recommendation: The 1994 *Master Plan for Bladensburg-New Carrollton and Vicinity* recommends a public/quasi-public use for the property.
- D. Request: The applicant seeks permission to establish an adult day care center for 60 occupants, including staff. It would be located on the lower floor of the existing building. In addition to the new use, the applicant seeks to decrease the capacity of the child day care to 71 from 142. The child day care would be located on the upper floor. The site plan also shows the southern edge of the parking lot being extended 1.5 feet to the south.
- E. Neighborhood and Surrounding Uses: The site is bordered by three streets to the north, east and south. It is surrounded by single-family residences on all sides in the R-55 Zone, with the exception of one parcel to the southwest which is developed with an office building in the C-O Zone, facing Landover Road.

The neighborhood is defined by the following boundaries:

North: Annapolis Road (MD-450)

East: Cooper Lane

South: Landover Road (MD 202)

West: The Baltimore-Washington Parkway

This is the same neighborhood as was accepted in SE-3677. It is a residential neighborhood characterized by well-kept single-family residences on small lots. Commercial development is confined to Landover Road and Annapolis Road.

F. Specific Special Exception Requirements:

1. Section 27-332 - Adult Day Care Center:

(a) **An adult day care center may be permitted, subject to the following:**

- (1) **The subject property shall be suitable for the type of facility proposed, taking into account the character of the surrounding properties and the general neighborhood, and any other uses on the subject property.**

Finding: The applicant is proposing an intergenerational day care center at the site of an existing child day care center. Because the existing building is a split-level, there are at-grade entrances for each of the floors. The child day care would use the front entrance to the building and be confined to the upper floor. The adult day care use would have an entrance at the rear of the building which opens to the lower floor. The applicant proposes to minimize the number of vehicle trips to the site by providing a bus to pick up and drop off seniors on a daily basis. In the statement of justification, the applicant notes that the rear entrance is handicap accessible. They also claim:

■ . . there is additional parking in this area. The bus has easy access to drop off and pick up the participants of the adult program. • (Statement of Justification, Exhibit C, p. 4)

The site plan does not show how the bus will be accessing the rear of the building or where the additional parking and/or passenger loading space is located. The site plan should be revised to clearly show this information.

The concept of intergenerational day care is becoming more popular, particularly as the need for adult day care increases. The interaction of children and seniors is mutually satisfying. Due to the decrease in the number of children and the provision of transportation to and from the center, the impact of the combined uses on the surrounding area will be less than that of the child day care use running at capacity.

- (2) **The subject property shall be of sufficient size to accommodate a facility of the scope proposed.**

Finding: With the reduction in the enrollment of the child day care center, the property, including the building and play area, should be of a sufficient size to accommodate the two uses. All adult day care centers are licensed by the State of Maryland and this facility will be evaluated as to its

compliance with all state regulations. The applicant claims that a preliminary evaluation by the state has resulted in a determination that the lower level of the existing building could accommodate a maximum of 62 persons. The site plan shows a maximum occupancy of 60 persons, including staff.

- (3) **Vehicular access to the subject property shall be adequate, taking into account the scope of the facility, the type and amount of traffic expected to be generated, and the type, service level, and capacity of the streets along which the subject property has frontage.**

Finding: Twice previously the access to this site has been found adequate for an enrollment of 142 children. With the applicant's proposal to provide transportation to and from the site for seniors, the number of vehicle trips will be reduced from the current number. For further details, refer to the attached memo from the Transportation Section (Mokhtari to Lockard, February 7, 2002).

- (4) **A statement shall be submitted explaining:**
- (A) **The policies and goals of the center;**
 - (B) **The characteristics and number of occupants to be served;**
 - (C) **The type of care and activities proposed;**
 - (D) **Operating methods and procedures proposed;**
 - (E) **The type and amount of traffic expected to be generated; and**
 - (F) **Other appropriate aspects of the center's operation.**

Finding: The applicant has provided this required statement; it is attached to the end of this report.

2. Section 27-348.01 - Day Care Center for Children:

- (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;

Finding: The District Council approved a maximum enrollment of 142 children at this

center. The applicant now proposes to reduce that number to 71.

- (2) An ample outdoor play or activity area shall be provided, in accordance with the following:
 - (1) 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;
 - (2) 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;
 - (3) 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;
 - (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;
 - (5) The play area shall contain sufficient shade during the warmer months to afford protection from the sun;
 - (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
 - (7) Outdoor play shall be limited to the hours between 7 A.M. and 9 P.M.;

Finding: The applicant does not propose any substantial changes to the existing play area. It has twice been found to be acceptable for an enrollment of 142 children. There is no reason to assume it would not continue to be acceptable for an enrollment of 71 children. At 10,588 square feet, it is almost 4 times the required size. However, one section of the play area fence is shown to be three feet in height. It must be replaced with a minimum four-foot-high fence or a variance obtained.

- (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.

Finding: This site is in the R-55 Zone.

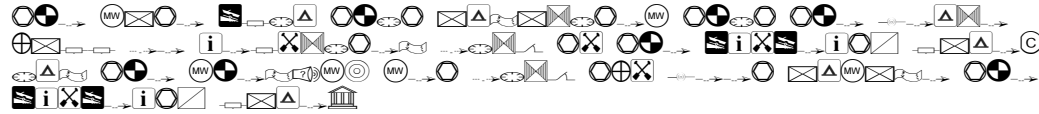
- (2) In addition to the requirements of Section 27-296(c), the site plan shall show:
 - (1) The proposed enrollment;
 - (2) The location and use of all buildings located on adjoining lots; and
 - (3) The location and size of outdoor play or activity areas.

Finding: The site plan shows this information.

- G. Parking Regulations: A total of 24 parking spaces are required to serve the two day care uses. The site plan shows 24 parking spaces. According to the site plan, 9 of the 24 spaces are compact (8' x 16') in size. This exceeds the one-third permitted by Section 27-572 (24 spaces/3 = 8 spaces). Either the site plan must be revised to show eight compact spaces or a departure granted must be obtained.
- H. Landscape Manual Requirements: The applicant notes that this proposal is exempt from the requirements of the *Landscape*

Manual because it does not require the construction, enlargement, or extension of a building. While this may be true, it does not exempt the applicant from providing the landscaping shown along Neighbor Lane in front of the building and parking lot on the approved site plan for SE-3677 and ROSP-SE-3677/01. The site plan should be amended to show this landscaping.

- I. Zone Standards: The proposed use meets the requirements of the R-55 Zone, with the exception of a fence and two small sheds along the western property line which must be relocated; otherwise, variances must be obtained.
- J. Sign Regulations: The site plan should be amended to show the existing signage on the site. In addition, the sign must meet the location, height and area requirements of the sign regulations.
- K. Other Issues: The Permit Review Section (M-NCPPC), in their referral dated November 26, 2001, point out several minor changes that need to be made to the site plan:
 1. General Note 9 on the site plan should indicate that this proposal is in accordance with Section 27-348.01 of the Prince George's County Zoning Ordinance.
 2. General Note 6(A) on the site plan should indicate that the required number of parking spaces is 24.
 3. The site plan should clearly indicate the numbers and types of parking spaces provided. There appear to be nine compact parking spaces proposed which will exceed 1/3 of the required number of parking spaces by one parking space.
 4. The site plan demonstrates chain-link fencing as well as a wood shed encroaching into the vacated right-of-way of 62nd Avenue. These structures are also out of the boundary limits of the special exception, which is at the property line.



L. 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: The purposes of zoning are many and varied, but can generally be characterized as protecting the health, safety and welfare of the present and future citizens of the county by promoting beneficial land use relationships. The applicant's proposal will do so by providing an increasingly necessary use (adult day care) in a way that it is part of a long-existing use which has been shown to be compatible with a residential neighborhood. By providing an intergenerational day care, the applicant is able to integrate the land uses and avoid the impact of having two separate uses on separate properties.

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

Finding: With few exceptions, the proposal meets the requirements and regulations of the Zoning Ordinance. In those instances where it does not, minor conditions are recommended to ensure conformance.

- (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 1994 *Master Plan for Bladensburg-New Carrollton and Vicinity* which recommends a public/quasi-public use for the property. In fact, this use will further that recommendation.

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

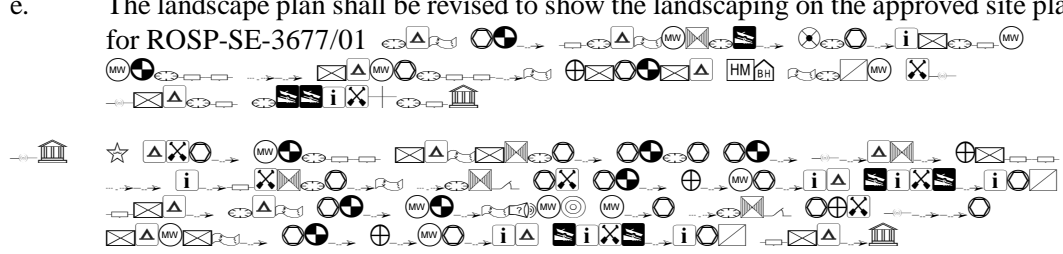
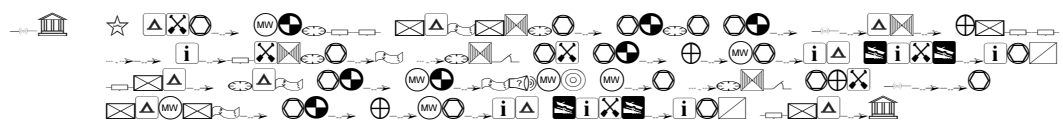
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

Finding: Special exception uses are those uses which are deemed compatible in the specific zone they are allowed, absent site-specific evidence to the contrary. In the subject case, impacts to adjacent properties and the health, safety and welfare of residents and workers in the area are not apparent. The applicant simply wishes to reduce the number of children and add adult day care at this site in response to the changing needs of the community.

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

Finding: The site is exempt from this requirement. A letter of exemption, dated October 18, 2001, was issued because the proposed development does not have 10,000 square feet of woodland, and the site does not have a previously approved Tree Conservation Plan.

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 recommended APPROVAL, to the District Council for Prince George's County, Maryland that Special Exception SE-4453 be APPROVED, subject to the following conditions:

1. Prior to the issuance of permits, the site and/or landscape plan shall be revised to show:
 - a. General Note 9 on the site plan shall indicate that this proposal is in accordance with Section 27-348.01, not 27-445.03(a) of the Prince George's County Zoning Ordinance.
 - b. General Note 6(A) on the site plan shall indicate that the required number of parking spaces is 24, not 28.
 - c. The site plan shall clearly indicate the numbers and types of parking spaces provided.
 - d. Either the site plan must be revised to show no more than eight compact spaces or a departure must be obtained.
 - e. The landscape plan shall be revised to show the landscaping on the approved site plan for ROSE-SE-3677/01 
 - f. 
 - g. The play area boundary fence shall be a minimum of four feet in height, or a variance obtained.
 - h. All on-site signs shall be shown.
 - i. If possible, a loading space for the adult day care bus shall be delineated in the northwest portion of the site.

* * * * *

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 Brown, with Commissioners Eley, Brown, Scott, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday.

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February 28, 2002, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of March 2002.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

