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SPECIAL EXCEPTION ALTERNATIVE COMPLIANCE

(SE-4592)
(AC-07009)

<i>Application</i>	<i>General Data</i>
Project Name: CATHERINE'S CHRISTIAN LEARNING CENTER Location: South side of Brandywine Rd. approximately 1,056 ft. west of Branch Ave./MD 5 Applicant/Address: Catherine's Christian Learning Center 13515 Brandywine Road Brandywine, MD 20613-5903	Date Accepted: 3/7/07
	Planning Board Action Limit:
	Plan Acreage: .574
	Zone: R-R
	Dwelling Units:
	Square Footage: 2,625
	Planning Area: 85A
	Tier: Developing
	Council District: 9
	Municipality: N/A
	200-Scale Base Map: 218SE07

<i>Purpose of Application</i>	<i>Notice Dates</i>
Day Care Center For 70 Children Alternative Compliance from Section 4.7 of <i>Landscape Manual</i> for east and west property lines.	Adjoining Property Owners Previous Parties of Record Registered Associations: 1/27/07 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

<i>Staff Recommendation</i>		<i>Staff Reviewer: Cynthia Fenton</i>	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X (AC)	X (SE)		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

June 11, 2008

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor

FROM: Cynthia Fenton, Planner Coordinator

SUBJECT: **Special Exception Application No. 4592**
Alternative Compliance Application No. 07009

REQUEST: **Day care center for 70 children**

RECOMMENDATION: **APPROVAL, with conditions**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Boards decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS:

- A. **Location and Field Inspection:** The subject property is a rectangular shaped lot located on the south side of Brandywine Road approximately 1,056 feet west of Branch Avenue/MD 5 in Brandywine. The site, also known as 13515 Brandywine Road, is improved with a one-story, 1,600-square-foot masonry structure, two sheds and a freestanding screened porch. The applicants currently have a permit to operate a day care at the site for 12 children. Access to the site is directly from Brandywine Road to the parking area; there is no driveway apron or other separation between the road and parking area. A six-foot high stockade fence encloses the portion of the property used for the day care, including the play area.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-Story Structure with day care for 12	Day care center for 70
Acreage	0.486	0.486
Lots	1	1

- C. **History:** The property was first placed in the R-R Zone on April 24, 1961. In September, 1978 the property was rezoned to the R-A Zone. The 1993 Sectional Map Amendment for the Subregion V Study Area classified the subject property in the R-R Zone. The property is currently used as a day care for 12 children.
- D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the *1993 Subregion V Master Plan*. The *September 1993 Approved Master Plan and Sectional Map Amendment for Subregion V* rezoned the subject property from the R-A Zone to the R-R Zone and recommends low suburban residential land use. The R-R Zone was intended as a base density zone for comprehensive design zone applications. The property is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.
- E. **Request:** The applicant is proposing a phased expansion of an existing day care facility from 12 to 70 children. The applicant is further requesting Alternative Compliance from Section 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*.

- F. **Neighborhood and Surrounding Uses:** The applicant suggests the neighborhood is defined by the following boundaries:

North-Surratts Road
South-US 301/Crain Highway/MD 5
East-US 301/Crain Highway
West-Danville Road

Staff does not entirely concur with the above boundaries. The geographic area suggested by the applicant more accurately reflects a community, rather than a smaller neighborhood unit. Instead, the following neighborhood boundaries are suggested:

North-Moores Road
South-Accoceek Road/MD 373
East-US 301/Crain Highway
West- Springfield Road

The immediate area surrounding the property is generally characterized by single-family, residential developments. The adjoining properties to the north south, east and west are all zoned R-R. Adjacent to the subject property on the east is a certified non-conforming metal fabrication business with outdoor storage (CNU-25205-06). Northeast of the property is the Brandywine Waldorf Medical Clinic in the C-O Zone. The applicant's statement of justification states that the use adjacent to the subject property to the south is a single-family dwelling; in fact, as the site plan correctly shows, the R-R zoned property is vacant.

- G. **Section 27-348.01 Specific Special Exception Requirements for a Day care center:**

- (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;**

Based on a proposed enrollment of 70 children, a total of 5,250 square feet is required for the play area to accommodate the full enrollment at one time. The proposed play area is 2,625 square feet; therefore, only 35 children (50 percent of the licensed capacity) may use the play area at one time. Staff recommends that the language in the site plan notes be revised to read:

No more than 35 children shall be in the play area at one time.

- (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 play area is located approximately 90 feet from the nearest dwelling, which is located on the adjoining lot to the west. The play area is proposed to be enclosed by a four-foot-high chain link fence. The fence detail does not indicate that the chain link is black vinyl clad; staff recommends the detail be revised to state as such. It is noted that the entire perimeter of the property (excepting the front) is enclosed by a sight-tight fence. Because the play area is located behind the existing building, it is not visible from the street.

- (C) **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;**

Staff finds the existing setbacks are adequate given the presence of the six-foot high, sight-tight fence on three sides of the property in addition to the enclosed 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 applicant does not propose the use of an off-premise outdoor play area.

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

The special exception site plan shows that a gazebo is provided in the play area in addition to two mature Oak trees. The gazebo and trees will provide adequate shade for the play area.

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

According to the applicant's statement of justification, the play area will operate between 8:00 a.m.–and 6:00 p.m. which is generally within daylight hours. Three light fixtures are provided for the parking area. The statement of justification states the proposed parking lot lighting will be sufficient to illuminate the play area, though photometric measurements have not been provided. Because the light fixtures are proposed within 20 feet of the adjacent residential property to the west, it is recommended that full cut-off fixtures replace the lights proposed by the applicant. A condition is included recommending that lighting details be provided prior to review by the ZHE to indicate that all lighting will be shielded, full cut-off fixtures to minimize light spillage and glare.

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

According to the statement of justification and site plan notes, outdoor play will be limited to the hours between 8:00 a.m.–6:00 p.m. In the winter months; however, it may be dark before 5:00 p.m. It is recommended that the site plan notes be revised to indicate that outdoor play will be limited to daylight hours, only.

- H. ***Landscape Manual Requirements:*** The proposed use is subject to the *Landscape Manual* Sections 4.2 (Commercial and Industrial Landscape Strip), 4.3 (Parking Lot Interior) and 4.7 (Buffering Incompatible Uses). The site plan indicates compliance with Section 4.2, providing a

minimum 10 ft. wide planted landscape strip adjacent to Brandywine Road. The site plan also shows compliance with Section 4.3, providing interior parking lot plantings which exceed *Landscape Manual* requirements (5 percent required 5.48 percent provided). The schedule should be revised in accordance with the correct format of the *Landscape Manual*. Section 4.7 of the *Landscape Manual* requires a building setback of 40 feet and a 30-foot-wide landscaped yard along the entire eastern boundary of the site, adjacent to the metal fabrication business. A 30 foot building setback and a 20 foot landscaped yard is required along the western boundary of the site, adjacent to a single-family detached residential use. The applicant is requesting alternative compliance from Section 4.7 for both the eastern and western property lines. The narrowness of the site does not provide enough room to accommodate the required building setback from the eastern property line, or either of the required landscaped yards. The Alternative Compliance Committee recommended approval of the applicant's request for alternative compliance along the eastern and western property lines, based on the following findings:

JUSTIFICATION OF RECOMMENDATION:

Because of the narrowness of the property, it is impractical for the applicant to meet the *Landscape Manual* bufferyard requirements for a day care adjacent to a contractor's business and a single family dwelling. The *Landscape Manual* provides that space limitations and unusually shaped lots may justify alternative compliance for in-fill sites, and for improvements in older communities. The applicant is providing a sight-tight fence along the entire property's perimeter and plant materials 100 percent in excess of the *Landscape Manual* requirements. The Alternative Compliance Committee is of the opinion that the proposed alternative is equal to or better than normal compliance with the requirements of the *Landscape Manual*.

- I. **Sign Regulations:** A freestanding sign is proposed on the subject property. This sign must meet all area, height and setback requirements. The site plan and sign detail indicate the sign meets the area and location requirements; however, the sign height must be provided to ensure compliance.

J. **Referral Comments:**

None of the referral replies received by staff had any objection to the application. The Transportation Planning Section finds that the net trip generation for the proposed day care expansion is relatively small, and therefore it will not pose unanticipated safety issues on impacted roadways. State Highway Administration (SHA), in a memorandum dated April 4, 2007, expressed concern regarding the adequacy of the parking area and site access from Brandywine Road which is only two lanes at this location. SHA is recommending the construction of a 425 linear foot deceleration lane and left-turn lane or bypass lane into the site. The applicant will be required to coordinate these improvements with SHA. The applicant has reduced the number of enrolled children from the original proposal from 101 to 70, and increased the amount of on-site parking from 14 spaces to 19 spaces. The Zoning Ordinance requires a minimum total of nine parking spaces for 70 children. The Environmental Planning Section indicated the site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements and that no environmental issues were identified.

K. **Zone Standards:**

The site plan, with the approved request for alternative compliance and the recommended conditions, will be in conformance with all zoning requirements and regulations. It is noted that the site plan shows an 80 foot ultimate right-of-way for Brandywine Road. This portion of Brandywine Road is not a Master Plan facility; therefore, according to a memorandum from the

Transportation Section dated April 6, 2007, a right-of-way of 30 feet from centerline is correct. The site plan must be revised to show the correct right-of-way.

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.

The purposes of Subtitle 27 are set forth in Section 102. The proposed use and accompanying site plan are in harmony with the purposes of this Subtitle. The conditions of approval will further ensure that the purposes of the Subtitle are met.

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

The applicant has met all the applicable requirements and regulations of the Subtitle with the exception of compliance to the *Landscape Manual* requirements. The applicant has requested, and staff has recommended approval of, alternative compliance. The Prince Georges County Zoning Ordinance requires one parking space for every eight children. Nine parking spaces are required for the day care use; 19 spaces are provided.

(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.

This application is subject to the 1993 Subregion V Study Area Master Plan. The subject property is located within the Rural Residential (R-R) Zone, which allows up to 2.6 dwelling units per acre. The proposed day care use is compatible, subject to the provision of required screening measures, within the current zone. Thus, 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 master plan, the General Plan.

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

None of the responses from any referring agencies received by staff indicate that the proposed day care center, with the included conditions, will 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.

In consideration of the referral responses and other findings, the proposal for a day care facility, with the recommended conditions, will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

This property is exempt from the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is less than 40,000 square feet in area and contains less than 10,000 square feet of woodland.

CONCLUSION:

Based on the preceding analysis and findings, staff is recommending that this application be APPROVED, based on the following conditions:

1. Prior to review by the Zoning Hearing Examiner, the following revisions shall be made to the site plan:
 - a. The fence details shall show the chain link fence as black vinyl clad.
 - b. The sign details shall indicate the sign height.
 - c. The correct right-of-way width shall be shown.
 - d. No more than 35 children are to be in the play area at a given time. A note stating this shall be included on the site plan.
 - e. Outdoor play will be limited to daylight hours, only. A note stating this shall be added to the site plan.
2. Lighting details shall be provided prior to review by the ZHE. The details shall reflect that all lighting higher than six feet will be shielded, full cut-off fixtures to minimize light spillage and glare.
3. The landscape schedule for the east bufferyard shall indicate that alternative compliance is required.
4. The landscape schedule for Section 4.3 (interior planting) shall be revised in accordance with the *Landscape Manual* format.

Staff further recommends APPROVAL of AC-070009.