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Revision of Site Plan Alternative Compliance

**ROSP-4388-01
AC-11031**

Application	General Data	
Project Name: Kreative Kids Child Care Center Location: Northeast corner of Collier Road and Cherry Hill Road. Applicant/Address: Monika and Jalindar Mahabare 3400 Collier Road Beltsville, MD 20705 Property Owner: Same as applicant	Planning Board Hearing Date:	11/01/12
	Staff Report Date:	09/24/12
	Date Accepted:	12/01/11
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.270
	Zone:	R-R
	Gross Floor Area:	2,630 sq. ft.
	Lots:	1
	Parcels:	N/A
	Planning Area:	61
	Tier:	Developing
	Council District:	01
	Election District	01
	Municipality:	N/A
	200-Scale Base Map:	214NE04

Purpose of Application	Notice Dates	
A major revision to approved Special Exception SE-4388 to increase the child enrollment from 32 children to 62 children. Alternative compliance request from Section 4.2 of the Landscape Manual.	Informational Mailing	10/18/11
	Acceptance Mailing:	11/30/11
	Sign Posting Deadline:	10/01/12

Staff Recommendation		Staff Reviewer: Taslima Alam Phone Number: 301-952-4976 E-mail: Taslima.Alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

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

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: Taslima Alam, Senior Planner, Zoning Section, Development Review Division

SUBJECT: **Major Revision of Site Plan Application No. ROSP-4388-01
Alternative Compliance AC-11031
Kreative Kids Child Care Center**

REQUEST: **ROSP-4388-01:** A major revision to approved Special Exception SE-4388 to increase child enrollment from 32 children to 62 children.

AC-11031: Alternative Compliance request from Section 4.2, Requirements for Landscape Strips along Streets, of the Landscape Manual along Collier and Cherry Hill Roads.

RECOMMENDATION: **ROSP-4388-01: Approval with conditions
AC-11031: Approval**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of November 1, 2012. 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 Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. 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 0.2707-acre parcel in the Cherryvale Subdivision. It is located in the northeast corner of Collier Road and Cherry Hill Road, identified as 3400 Collier Road, in Beltsville, Maryland. The site is improved with a single-family detached structure which is currently being used as a day care facility. The property has a one-way, circular, asphalt driveway, a parking area for five vehicles on the northwest side of the building, a covered handicap ramp, and a fenced play area with play equipment in the rear and side yards. The entire play area is mulched and enclosed with a six-foot-tall wooden fence with an access gate. The site has a row of healthy evergreen trees along the northwestern property line, which serves as a buffer between single-family use and the day care center use. There is other existing landscaping throughout the site. Land use within the neighborhood is predominantly single-family residential with the exception of a family day care center across Cherry Hill Road, opposite the subject property. The site has frontage on Cherry Hill Road and Collier Road with two existing driveway entrances, each of which is approximately 22 feet wide.

During a site visit, it was noted that the site has an existing dumpster area that is not screened from adjoining residential uses and the public street. Section 4.4, Screening Requirements, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) states that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets. The proposed site plan shows a new three-foot by six-foot-wide concrete dumpster pad with a four-foot-high trash container and a stockade fence on three sides. The proposed dumpster pad is partially located in the required landscape strip and should be relocated outside the landscape strip as shown in the approved alternative compliance plan, and details of the trash enclosure must be provided prior to certification of the special exception site plan.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	Unchanged
Use(s)	Day Care Center for 32 Children	Day Care Center for 62 children
Acreage	0.2706	0.2706
Lots	1	Unchanged
Parcels	N/A	N/A
Square Footage/GFA	2, 630	Unchanged
Dwelling Units	One	Unchanged

- C. **History:** The subject property, originally known as Lot 1, Block 5 in the Cherryvale Subdivision, recorded in Prince George's County Land Records on February 1962 in Plat Book WWW 43 at page 5. In 2001, Special Exception SE-4388 was approved for 32 children. Since then, the day care center has been operating continuously, from 2001 to the present.
- D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 *Prince George's County Approved General Plan* (General Plan) as 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. This application is consistent with the approved 2002 General plan Development

Pattern policies for the Developing Tier. Approval of this application does not violate the General Plan's growth goals for the year 2025 upon review of the current General Plan Growth Policy Update. The application is also in conformance with the low-density residential land use recommendations of the 2010 *Approved Subregion 1 Master Plan and Sectional Map Amendment* (Subregion 1 Master Plan and SMA). The 2010 Subregion 1 Master Plan and SMA retained the subject property in the Rural Residential (R-R) Zone.

E. **Request**

Major Revision of Site Plan ROSP-4388/01—The applicant is requesting a major revision to a special exception site plan to increase the day care enrollment from 32 to 62 children. The applicant is also proposing to expand the existing one-way circular driveway to two-way traffic, to add four new parking spaces for a total of eight parking spaces, to build a new handicap-accessible walkway, to validate the existing handicapped ramp and level roof cover to access the lower level of the building, to install new sight-tight stockade fencing along the northwestern, northeastern, and a portion of southeastern property lines, and to relocate the existing identification sign.

The subject application has been reviewed pursuant to Section 27-324(a)(2) of the Zoning Ordinance as a major change to a site plan. The District Council's original approval of SE-4388 was for a maximum enrollment of 32 children. The proposed increase in enrollment must be processed under Section 27-324 (Major Changes) because such revisions are not specifically provided for in Section 27-325 (Minor Changes).

Alternative Compliance AC-11031—The applicant is also requesting alternative compliance approval from the requirements of Section 4.2, Requirements for Landscape Strips along Streets of the 2010 Landscape Manual along Collier Road and Cherry Hill Roads.

F. **Neighborhood and Surrounding Uses:** The site is bounded to the north and east by single-family homes and to the south and west by public rights-of-way in the R-R Zone. The neighborhood is primarily residential in nature and includes the Faraces Fuchs Special Education Center to the south and High Point High School to the north. The neighborhood is defined by the following boundaries that were accepted by the Zoning Hearing Examiner (ZHE) for the prior special exception application, SE-4388:

North— Powder Mill Road (MD 212)

South— Capital Beltway (I-95/495)

West— Cherry Hill Road

East— Evans Trail

Adjacent Uses:

North— Single-family detached dwellings in the R-R Zone

South— Collier Road (public right-of-way), across Collier Road is a single-family detached home in the R-R Zone

East— Single-family detached dwellings in the R-R Zone

West— Cherry Hill Road (public right-of-way), across Cherry Hill Road is a single-family detached dwelling unit with a family day care in the R-R Zone

G. **Specific Special Exception Requirements:** A day care center for children is permitted in the R-R Zone as a special exception. Section 27-348.01 of the Zoning Ordinance sets forth the following specific requirements:

(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;**

Comment: The applicant proposes to increase the number of children enrolled in the existing day care from 32 to 62 children.

- (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;**

Comment: Based on the proposed enrollment of 62 children, a total of 4,650 square feet is required for a play area to accommodate the full enrollment at one time. However, a play area of 50 percent of the enrollment (31 children) may be provided as long as only half of the children are in the play area at a given time. For 31 children, a play area at least 2,325 square feet is required ($62 \times 50\% = 31 \times 75 = 2,325$). The proposed outdoor play area is 2,400 square feet in area. Staff therefore recommends that no more than 31 children be allowed in the play area at any given 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;**

Comment: The outdoor play area is located a minimum of 25 feet from the dwelling units on the adjoining lots to the north and east. The perimeter of the property is proposed to be enclosed by a new six-foot-high stockade fence along the northeastern and eastern sides and a new four-foot-high stockade fence along the southern and western sides of the play area. The reason for the fence height variation is because the subject site is a corner lot and is less than an acre in size; therefore, the fences in the front yard shall not be more than four feet high unless a variance is approved by the Board of Appeals. An additional four-foot-high, black, vinyl-clad, chain-link inner fence is also proposed around the northern and eastern sides of the play area, which is connected to the four-foot-high stockade fence along the southern and western sides of the play area.

- (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;**

Comment: The proposed outdoor play area is shown as an area approximately 25 feet away from the closest residence that adjoins the subject property to the north and west. The homes on other adjoining properties are located 40 plus feet away from the proposed play area. The outdoor play area is completely enclosed with an existing four-foot to six-foot-high stockade fence along the property edges. Staff believes that the location of the proposed play area, the existing and additional proposed vegetation, the setback, and the height of the fence are sufficient to protect the health and safety of the children using the play area. Additionally, the District Council has determined through its original approval of the special exception that this property is not a threat to public health, safety, and welfare as it exists today. Expansion of the day care center will not cause an impact to the children any differently than already experienced.

- (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;**

Comment: The applicant does not propose an off-premises outdoor play area. All required outdoor play area will be located on the subject property.

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

Comment: The majority of the play area is located on the northeast side of the existing structure, which itself will provide some shade. The site plan shows some existing and proposed vegetation throughout the property including two shade trees in the existing play area to provide sufficient shade during the warmer months.

- (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**

Comment: The site plan indicates building-mounted lighting and free standing pole-mounted fixtures to provide an adequate level of illumination from the parking lot to the day care entrance, as well as in the outdoor play area.

- (G) Outdoor play shall be limited to the hours between 7am and 9pm.**

Comment: The site plan indicates that the outdoor play will be limited to the hours between 10:00 a.m. to 12:00 noon and 3:30 p.m. to 6:00 p.m. At certain times of the year it is dark during these hours. Therefore, staff recommends that General Note 28 on the site plan be revised to allow the outdoor play area to be limited to 10:00 a.m. to dark (during daylight hours only).

(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 does show the proposed enrollment of the maximum of 62 children. Moreover, it shows the location and use of all buildings on adjoining lots and the location and size of the outdoor play area.

H. **Parking Regulations:** Section 27-568 (Schedule of Parking Spaces) of the Zoning Ordinance requires one parking space for every eight children. The proposed day care center will have a maximum enrollment of 62 children. A total of eight parking spaces is required ($62/8 = 7.75$). Exactly eight parking spaces, including one van-accessible space for the physically handicapped, are provided.

I. **Prince George's County Landscape Manual Requirements:** The site is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The site is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscaping Requirements, of the Landscape Manual because it is a nonresidential use and Prince George's County Council Bill CB-68-2010 revised Section 27-328.02 of the Zoning Ordinance to subject special exceptions to the requirements of the Landscape Manual. The subject application is exempt from the requirements of Section 4.3, Parking Lot Requirements, because the proposed parking area is less than 7,000 square feet. The requirement of Section 4.7, Buffering Incompatible Uses, does not apply since no part of any structure, including area for parking and/or loading, extends closer to an adjacent property line than was previously approved as part of SE-4388; the proposed revision does not involve an increase of greater than ten percent of the existing gross floor area; and the revision does not necessitate a change in use from a lower to higher intensity use category.

The applicant has requested Alternative Compliance from Section 4.2, Requirements for Landscape Strips along Streets, of the Landscape Manual along the site's frontage of Collier and Cherry Hill Roads. The applicant chose Option 1, in the Developing Tier, for a Section 4.2 landscape strip which requires a minimum ten-foot-wide landscape strip, planted with one shade tree and ten shrubs per 35 linear feet of street frontage, excluding driveway openings. The proposed parking spaces lie within five feet of the right-of-way lines, encroaching into the ten-foot-wide strip area. Additionally, existing shade trees within the right-of-way prohibit the planting of large shade trees within portions of the landscape strip. Therefore, the applicant is requesting approval of a reduced landscape strip of five to ten feet wide to accommodate the proposed parking and a modification in the required plantings to allow for ornamental and evergreen trees, in place of some of the required shade trees. The applicant proposes to provide 2 shade trees, 6 ornamental and evergreen trees, and 47 shrubs, which fully meets the planting requirement for the strip. Given the fact that the existing nonresidential use has existed on this site since 2001, that the full landscape strip width is being provided for the majority of the frontage, and that the full amount of planting material is being provided, the Alternative Compliance Committee finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.2 of the Landscape Manual.

The landscape plan contains some minor labeling and graphical errors that the Committee recommends should be corrected as part of this ROSP approval.

Consequently, on June 5, 2012, the Alternative Compliance Committee and the Planning Director recommended approval of the alternative compliance pursuant to Section 4.2 of the 2010 *Prince George's County Landscape Manual* along the Collier Road and Cherry Hill Road frontages, subject to the condition listed at the end of this report.

- J. **Sign Regulations:** The site has an existing freestanding sign which meets the ten-foot setback requirements. Any sign that will be placed on the property must meet all area, height, and setback requirements.
- K. **Zone Standards:** The proposed use is in the R-R Zone. The site plan, with the approved requests for alternative compliance, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- L. **Referral Comments**
 - 1. **Urban Design Section**—In a memorandum dated June 6, 2011, the Urban Design Section stated that the project is subject to the requirements of the 2010 *Prince George's County Landscape Manual*, specifically Sections 4.2, 4.4, and 4.9. In addition, the Tree Canopy Coverage Ordinance requires a minimum percentage of tree canopy coverage (TCC) on properties that require a grading permit. For properties in the R-R Zone, a minimum 15 percent of the site should be covered by tree canopy. The TCC schedule should be revised to accurately reflect the type, size, and number of existing and proposed trees on-site and demonstrate conformance with the requirements of the Tree Canopy Coverage Ordinance.
 - 2. **Community Planning North Division**—In a memorandum dated December 30, 2012, the Community Planning North Division stated that the proposed expansion of the day care center is found to be compatible with the land use and associated recommendations in the *2010 Approved Subregion 1 Master Plan and Sectional Map Amendment* for the Calverton living area.
 - 3. **Transportation Planning Section**—In a memorandum dated January 17, 2012, the Transportation Planning Section found that the proposal for a 62-student day care facility on-site poses no issue regarding the original special exception finding for the original application, as the findings relates to transportation.
 - 4. **Subdivision Review Section**—In a memorandum dated January 3, 2011, the Subdivision Review Section stated that, pursuant to Section 24-111 of the Subdivision Regulations, the application is exempt from the requirements of filing a preliminary plan of subdivision because no gross floor area is proposed.
 - 5. **The Maryland State Highway Administration (SHA), the Historic Preservation Section, and the Special Projects Section**—Offered no comments on the subject application.

M. **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;

Comment: The purposes of the Zoning Ordinance listed in Section 27-102(a) are to promote the health, safety, and welfare of county residents by providing for the orderly growth and development of the county and promoting the most beneficial relationship between the uses of land and buildings. The proposed facility will provide a service that is beneficial and convenient to the surrounding residents and its community for it is close to home and schools in the area. For this reason, the proposal is well suited for the area. Additionally, the proposed use will not be detrimental to the health, safety, and welfare of county residents due its location on a collector street rather than on an interior neighborhood street, and the site's ability to buffer and screen the use from the view of adjoining residents.

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

Comment: The subject property is located in the R-R Zone which permits the proposed day care facility as a special exception. With the recommended conditions below, the proposed use will conform to all of the applicable requirements and regulations of this Subtitle.

(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 Master Plan, the General Plan;

Comment: This application is subject to the *2010 Approved Subregion 1 Master Plan and Sectional Map Amendment* which recommends single-family residential uses. The subject property is located within the R-R Zone, which allows a day care center through special exception approval. The proposed use is presumed to be compatible with the zone and will not substantially impair the integrity of the approved master plan or the General Plan recommendations for the residential areas.

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

Comment: None of the responses from any referring agencies received by staff indicate that the proposed expansion of the day care center, with the included conditions, will adversely affect the health, safety, or welfare of residents or workers in the area. Review of the this application by the Transportation Planning Section's memorandum dated January 17, 2012 recognized that, while there will likely be an additional 25 trips per hour during peak hours using the unsignalized Cherry Hill Road/Collier Road intersection, the additional trips would not pose apparent safety issues that would result from the expansion. Thus, this review is strictly within the required findings of health, safety, or welfare of the residents or workers in any area.

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

Comment: The proposed day care center is located at the intersection of a Cherry Hill Road, a master-planned collector roadway, and Collier Road, a primary residential street, but not interior to a neighborhood. The day care center users will be able to safely and easily access the facility

from both Cherry Hill Road and Collier Road. The design of the on-site parking and its circular driveway will also minimize the impact on the residential streets of the neighborhood. Day care staff will monitor drop-off and pickup at peak times and will supervise the students during outdoor play periods for the safety of the patrons.

Additionally, the play area as proposed is set back the required distance from adjacent homes. The proposed fence to the northern and eastern sides of the property and around the play area will also minimize any disturbance on the adjacent single-family dwellings. Further, the proposed heavy perimeter landscaping and screening will improve the view of the site from all sides. As a result, the proposed use 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.

Comment: This property is exempt from the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is less than 40,000 square feet in area, and it does not have a previously approved tree conservation plan.

(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

Comment: The site does not contain any regulated environmental features.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Major Revision of Site Plan ROSP-4388-01 and Alternative Compliance AC-11031 be APPROVED, subject to the following conditions:

1. Prior to certification of Revision of Site Plan ROSP-4388-01, the following revisions shall be made:
 - a. Revise General Note 28 on the site plan to allow the outdoor play area to be limited to 10:00 a.m. to dark (daylight hours only).
 - b. Remove General Note 10c from the site plan regarding available parking on the public right-of-way.
 - c. The tree canopy coverage schedule shall be revised to accurately reflect the type, size, and number of existing and proposed trees on-site.
 - d. The Section 4.9 schedule titled "Sustainable Landscaping Requirements" on the landscape plan (page SP-1a) shall be revised to accurately reflect the total number of proposed and required native ornamental trees.
 - e. The plant schedule on the landscape plan (page SP-1a) shall be revised to show the correct number of major shade trees on the site.

- f. The proposed dumpster pad and trash enclosure shall be relocated outside the landscape strip and shall be screened from all sides as shown in the approved alternative compliance site plan and details of the trash enclosure must be provided.
- g. Correct the bearing along Collier Road to match the record plat.