



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Revision of Site Plan (Limited Minor Change) ROSP-4473/01

Application	General Data	
<p>Project Name: Good News Academy Day Care Center</p> <p>Location: West side of Temple Hill Road approximately 900 feet north of the Capital Beltway, known as 4919 Temple Hill Road.</p> <p>Applicant/Address: Misturat Idowu Ajayi 6669 Dasher Court Columbia, Maryland 21045</p>	Date Accepted:	08/0 4/06
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.69
	Zone:	R-R
	Dwelling Units:	N/A
	Square Footage:	N/A
	Planning Area:	76A
	Council District:	08
	Municipality:	N/A
	200-Scale Base Map:	207SE03

Purpose of Application	Notice Dates	
Relocate a handicap ramp	Adjoining Property Owners: (CB-15-1998)	N/A
	Previous Parties of Record: (CB-13-1997)	N/A
	Sign(s) Posted on Site:	Waived
	Variance(s): Adjoining Property Owners:	N/A

Staff Recommendation		Staff Reviewer: Teri Bond	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
X			

August 11, 2006

PLANNING DIRECTOR'S DECISION Limited Departures and Revisions to Approved Plans

Application No: ROSP-4473/01
Project Name: Good News Academy Day Care Center
Reviewer's Name: Teri Bond, Planner Coordinator

- A. **Nature of the Applicant's Request:** This minor revision was filed for approval of the relocation of a handicap ramp for this day care facility. The applicant had to move the ramp due to the existence of a gas meter and the realization in the field that the proposed location would result in a ramp that had too severe an incline for wheelchairs. This change is minor and does not impact the layout of the approved day care facility. Since the moving of the handicap ramp involves less than 10% of the existing building area, the applicant has requested this application be processed as a limited minor change with approval by the Planning Director.
- B. **Zoning History:** On March 30, 2004, the District Council upheld the Zoning Hearing Examiner's approval of a special exception for a day care use on this property.
- C. **Required Findings:**

Section 27-325 (c). Limited Minor Changes—Planning Director

1. The Planning Director is authorized to approve minor changes administratively, without public hearing, only if the proposed minor changes are limited in scope and nature, including an increase in gross floor area or land covered by a structure other than a building up to ten percent. The Director shall deny any administrative approval request proposing site plan changes that will have a significant impact on adjacent property.
2. Before approving a minor change, the Director shall make all findings the Planning Board would be required to make, if the Planning Board reviewed the application.
3. The Director is not authorized to waive requirements in this Subtitle, grant variances, or modify conditions, considerations, or other requirements imposed by the Planning Board or District Council in any case.
4. The applicant's property shall be posted within ten days of the Director's acceptance of the filing of the application. Posting shall be in accordance with Part 3, Division 1. On and after the first day of posting, the application may not be amended.

5. The Director may waive posting after determining, in writing, that the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.
6. If posting is waived or a written request for public hearing is not submitted within the posted time period, then the Director may act on the application. The Director's approval concludes all proceedings.
7. If the Director denies the application or a timely hearing request is submitted, then the application shall be treated as re-filed on the date of that event. The applicant, Director, and technical staff shall then follow the procedures for Planning Board review.

D. Specific Special Exception Requirements—Sec. 27-348.01:

(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;**

The number of children enrolled has not changed from the 56 proposed and approved in the original application.

- (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 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;**

The proposed site plan shows a play area of 5,825 square feet, which is larger than the maximum required play area of 4,200 square feet for an enrollment of 56 children. This has not changed from the original application

- (B) 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;**

The proposed play area has not been revised and has been found to meet all zoning requirements.

- (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;**

Greater setbacks or higher fencing was not required in the approved special exception site plan.

- (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 proposed site plan has not been revised and complies with this requirement.

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

The plan has not been revised and still includes the several mature trees in and around the play area that will provide sufficient shade during 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;**

As originally proposed, the play area will not be used before or after daylight hours.

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

The site plan still indicates that the play area will be used within the hours of 8:30 a.m. to 4:00 p.m.

Sec. 27-317. Special Exceptions—General Requirements

1. A special exception may be approved if:
 - a. The proposed use and site plan are in harmony with the purpose of this Subtitle;
 - b. The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
 - c. 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;
 - d. The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
 - e. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
 - f. The proposed site plan is in conformance with an approved tree conservation plan.

The revision proposed on the submitted site plan, which involves the moving and redesign of the handicap ramp, is not a significant change and does not effect any of the original zoning compliance findings for this day care use.

D. Determinations:

The subject property is an elongated parcel located on the west side of Temple Hill Road approximately 900 feet north of the Capital Beltway (I-95).

The surrounding uses are as follows:

North: Property is zoned R-R with a single-family home.

East: Across Temple Hill Road is property zoned R-80 with a single-family home.

South: Property is zoned R-R with a single-family home.

West: Property is zoned R-R with a single-family home

1. The posting requirement for this minor revision was waived because the proposed minor change is so limited in scope and nature that it will have no appreciable impact on adjacent property.
2. The proposed use of the property will not be altered by the subject proposal.
3. The proposal will not alter any of the previous conditions of approval for special exception SE 4473.
4. The proposed revision will conform to the requirements of the Zoning Ordinance and the conditions of approval of the original special exception.
5. The proposed revisions will not alter the previous findings of compatibility with the surrounding area, conformance with the regulations of the Zoning Ordinance, or impairment of the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity*.

Recommendation:

Based on the above findings, it is recommended that RO SP SE-4473/01 be APPROVED.

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**APPROVED BY AUTHORITY OF:
Fern V. Piret, Planning Director**

By: _____ Date: _____

Jimi Jones, Acting Zoning Supervisor