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## Revision of Site Plan (Major Change)

**ROSP-SE-4263/01**

| Application  | General Data                 |
|--|------------------------------|
| <b>Project Name:</b><br>Kiddies Kollege Christian Center<br><br><b>Location:</b><br>Northwest corner of MD 197 and Cherry Lane,<br>known as 9292 Cherry Lane.<br><br><b>Applicant/Address:</b><br>Kiddies Kollege Christian Center<br>9292 Cherry Lane<br>Laurel, Maryland 20708 | Date Accepted: 12/8/04       |
|  | Planning Board Action Limit: |
|  | Plan Acreage: 1.25           |
|  | Zone: R-R                    |
|  | Dwelling Units: N/A          |
|  | Square Footage:              |
|  | Planning Area: 62            |
|  | Tier: Developing             |
|  | Council District: 01         |
|  | Municipality: N/A            |
|  | 200-Scale Base Map: 218NE08  |

| Purpose of Application   | Notice Dates  |
|--|---|
| Increase in enrollment from 160 to 200 children and an expansion of the play area. | Adjoining Property Owners<br>Previous Parties of Record<br>Registered Associations: 5/21/04<br>(CB-12-2003) |
|  | Sign(s) Posted on Site and<br>Notice of Hearing Mailed: N/A   |

| Staff Recommendation |                          | Staff Reviewer: Catherine H. Wallace |            |
|----------------------|--------------------------|--------------------------------------|------------|
| APPROVAL             | APPROVAL WITH CONDITIONS | DISAPPROVAL                          | DISCUSSION |
|                      | X                        |                                      |            |

February 2, 2005

**TECHNICAL STAFF REPORT:**

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Revision of Site Plan (Major Change) Special Exception Application No. 4263/01**

REQUEST: Addition of 40 children to a day care center

RECOMMENDATION: APPROVAL; with conditions

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**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 Board's 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.

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## FINDINGS:

- A. **Location and Field Inspection:** The subject property is located in the northwest corner of the intersection of Laurel-Bowie Road (MD 197) and Cherry Lane. It is developed with a two-story residence and a one-story addition, which houses a day care center.

B. **Development Data Summary**

|         | EXISTING                      | PROPOSED                      |
|---------|-------------------------------|-------------------------------|
| Zone(s) | R-R                           | R-R                           |
| Use(s)  | day care center and residence | day care center and residence |
| Acreage | 1.26                          | 1.26                          |

- C. **History:** The property was retained in the R-R Zone during the 1990 Sectional Map Amendment for Subregion I. In 1997, Special Exception 4263 was approved for a day care center for 160 children. A preliminary plan of subdivision was also approved that year. However, this subdivision was not recorded and has since expired.

- D. **Master Plan Recommendation:** This property is located in the Developing Tier of the 2002 General Plan. 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. The Subregion I master plan recommends low-suburban residential uses for the property.

- E. **Request:** The applicant is currently operating a day care center pursuant to Special Exception 4263, which permits up to 160 children in the day care program. The current day care center is located in a 4,990-square-foot building. The approved site plan permits the construction of up to 14,005 square feet of space. The applicant is seeking approval to increase the number of children permitted on the site to 200. The proposed site plan for ROSP-4263 shows a “proposed building addition” of 7,900 square feet. However, that building was approved as part of Special Exception 4263 and no increase in the area of the building is currently requested. The site plan does show an expansion of the play area from the 7,637 square feet approved in 1997 to 10,075, an expansion of 2,438 square feet.

- F. **Neighborhood and Surrounding Uses:** The following neighborhood boundaries have been accepted for prior applications:

North—MD 198 (Fort Meade Road)  
East— MD 197 (Laurel-Bowie Road)  
South—Cherry Lane  
West— CSX Railroad

The neighborhood is typified by a mixture of residential dwelling types, including townhouses, garden apartments, and a few single-family detached dwellings. The uses immediately adjacent to the subject property are:

North and West—A townhouse retirement community in the R-T Zone.  
East—Across MD 197 are single-family homes and a church.  
South—Across Cherry Lane is a vacant lot and an office complex in the C-O Zone.

**G. Major Change Provisions (27-324):**

- (a) The District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application if the amendment does not constitute an enlargement or extension of a Special Exception use.**

The addition of 40 children to the day care program does not constitute an enlargement of the special exception use so long as the area of the use is not increased. The area of the proposed building will remain the same as that approved in 1997. The proposed site plan does show an increase in the play area. This may constitute an enlargement of the use, which would require the filing of a new special exception. The existing play area meets the requirements under the Zoning Ordinance for up to 200 children, as long as the play area will not be used by all the children at the same time. It is recommended that the play area be returned to the size that was previously approved.

**H. Specific Special Exception 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;**

The District Council approved an enrollment of 160 students in 1997. The proposed enrollment of 200 students can be accommodated on the site in accordance with the requirements of the Zoning Ordinance. This number may be decreased by state or local health, education or fire regulations; however, the number may not be increased.

- (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;**

With 7,637 square feet of play area (previously approved), the site plan shows a play area more than adequate for 50 percent of the licensed capacity, or 100 children under the current proposal.

- (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 30 feet from the north property line and over 50 feet from the nearest residence on the adjoining lot. A six-foot-high board-on-board fence encloses the play area, exceeding this requirement. A new fence is proposed around a larger play area. The larger play area is not required. The enlargement of the play area could constitute an enlargement of the special exception use, requiring the

filing of a new special exception application. It is recommended that the play area not be enlarged, unless the applicant intends to file a new application.

- (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;**

A six-foot-high fence was a condition of approval of the previous special exception and has been provided. The District Council approved the current setback in 1997.

- (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;**

Not applicable.

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

Shade trees are shown in the play area consistent with Condition 5 of the previous special exception approval.

- (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**

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

The applicant's site plan indicates the applicant will use the playground during daylight hours between 7:00 AM and 6:00 PM.

- (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.**

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 shows this required information.

- (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.**

Not applicable.

- (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 largest number of children enrolled in any session will be 200.

**I. Parking Regulations:**

A day care center for children requires one parking space for every eight students. For 200 students, 25 parking spaces are required, one of which is required to be handicapped accessible. The residence requires one additional parking space. The site plan provides for 26 spaces, including one handicapped space.

One loading space is required and one is provided, as shown on the site plan approved in 1997 for Special Exception 4263. The loading space and its access are located less than 50 feet from adjoining residentially zoned property. The adjoining property includes a 60-foot-wide green area and a 25-foot-wide driveway that provides access to the adjoining retirement community. The loading space and its access driveway are over 100 feet from adjoining residential development. The proposed site plan proposes no changes from the loading and access driveways approved by the District Council in 1997.

**J. Landscape Manual Requirements:**

**Sec. 27-328.02. Landscaping, buffering, and screening.**

- (a) All landscaping required for a Special Exception shall be approved at the same time the Special Exception is approved. Except for uses which do not require the construction, enlargement, or extension of a building, all land uses requiring the approval of a Special Exception shall comply with the landscaping, buffering, and screening requirements set forth in the Landscape Manual through the approval of a landscape plan. In approving a Special Exception, the District Council may require additional landscaping, screening, or buffering if it determines that the amount required by the Landscape Manual is insufficient to adequately protect adjacent uses.**
- (b) Amendments to landscaping, buffering, and screening required in a Special Exception shall be made in accordance with Section 27-325.**

The proposed site plan is not subject to the specific requirements of the Landscape Manual because no new construction (that has not already been approved via SE-4263) is proposed by this revision. A landscape plan was approved in 1997, subject to the conditions that correct computations and bufferyards be shown and that the applicant construct a six-foot-high sight-tight board fence on his property line, should the fence on the Cherry View Park property ever cease to exist.

These conditions of the previous special exception remain in force and require the correction of several aspects of the landscape plan:

The landscape strip along Cherry Lane is subject to Section 4.3, not Section 4.2.

With regard to the bufferyards, the impact of the proposed development is low. The adjoining property is developed with townhouses, requiring a “B” bufferyard with a 30-foot-wide setback and a 20-foot-wide landscaped yard.

The landscape plan incorrectly lists the plant units required as none, although the plan clearly provides landscape materials in the bufferyards. The plan must be revised to show the required number of plants and demonstrate that the plants provided meet this requirement.

Although the plan shows that the setback of the existing residence to the adjoining property is 25 feet, rather than the required 30 feet, this deviation from the setback requirement was approved in 1997 at the time SE-4263 was approved. The present revision does not alter the previous findings regarding compliance with the Landscape Manual.

- K. **Zone Standards:** The proposed revision is consistent with the requirements of the R-R Zone.
- L. **Sign Regulations:** The location of the existing freestanding sign is shown on the site plan and meets the sign regulations of the Zoning Ordinance.
- M. **Transportation Impacts**

The following traffic analysis was provided by the Transportation Planning Section:

Based on the trip rates from the ITE *Trip Generation Manual*, 6th edition (565), a day care facility will generate 0.82 trips during the AM peak hour, and 0.85 trips during the PM peak hour. Based on the proposed expansion for 40 additional students and applying the trip rates, the proposed facility could generate  $(0.82 \times 40 =)$  33 trips during the AM peak hour, while the evening peak hour generates  $(0.85 \times 40 =)$  34 trips. Typically, some trips to and from day care centers would normally be already on the road (to/from other destinations) and, therefore, would not be considered as new trips. The manual indicates that 65 percent of the trips are already on the road and are considered pass-by trips. Hence, the actual number of new trips being generated by the proposed site would be  $33 \times 35$  percent (or 12 AM trips) and  $34 \times 35$  percent (or 12 PM trips).

Based on a traffic data analysis that was done on this intersection by O. R. George & Associates on April 15, 2004, it was determined that the intersection operated with a level-of-service/critical lane volume (LOS/CLV) of A/807 during the AM peak hour, and B/1,070 during the PM peak hour. With the inclusion of 12 additional peak hour trips, the intersection will continue to operate well within the acceptable limits.

Regarding parking and on-site circulation, staff has no issues.

- N. **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 and intent of the Zoning Ordinance.**

The primary purpose of the Zoning Ordinance is to protect the public health, safety and welfare. This day care center provides a necessary service in a neighborhood of multifamily dwellings close to an employment area. The requested revision does not alter the previous findings made in the approval of Special Exception 4263, in that the building, parking and play areas require no expansion to accommodate the proposed number of children. The traffic analysis indicates that the increase in the number of children will not diminish the level of service of the intersection of Cherry Lane and MD 197. With the recommended conditions, this proposal is in harmony with the purpose and intent of the Zoning Ordinance.

**2. The proposed use is in conformance with all the applicable requirements and regulations of the Zoning Ordinance.**

This proposal will be in conformance with all applicable requirements and regulations of the Zoning Ordinance, subject to the clarification of conformance with the *Landscape Manual*.

**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.**

The master plan for Subregion I recommends “low suburban” density for this area. Special exceptions are presumed to be compatible with the zones in which they are permitted, absent specific findings to the contrary. This proposal will not impair the integrity of the approved master plan for Subregion I or of the 2002 General Plan. The January 11, 2005, memorandum from the Community Planning Division finds this application consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and the land use recommendations of the Subregion I master plan.

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

This day care facility will provide a service for the neighborhood. The addition of 40 children to the site will not have a significant impact on the nature of the facility previously approved. Therefore, the proposed revision will not adversely affect the health, safety and welfare of the residents and workers in the area.

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

Although the landscape plan requires some technical corrections, it shows that the adjacent property will be well buffered from this proposal by the proposed plantings, a finding made in the previous special exception approval. In addition, the play area is located 50 feet (twice the required distance) from the nearest dwelling on an adjoining lot. The addition of 40 children to the site will not significantly change the impacts of the day care center on the use and development of adjacent properties or the general neighborhood.



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

This site is exempt from the Woodland Conservation and Tree Preservation Ordinance because it contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan.

**CONCLUSION:**

The proposed revision is recommended for approval in accordance with the above findings. This recommendation includes conditions of approval to address the requirements of the *Landscape Manual* and the Subdivision Regulations. In addition, all conditions of approval of the original special exception not already addressed through the proposed site plan revision remain in full force and effect. Therefore, it is recommended that ROSP-4263/01 be APPROVED, subject to the following conditions:

1. The landscape plan shall be corrected to reflect the requirements of a Type B bufferyard along the north and west property lines and the requirements of Section 4.3 of the *Landscape Manual* for the parking lot landscape strip along Cherry Lane.
2. The play area shall be shown as 7,637 square feet.
3. All meetings on site shall be planned to have an attendance consistent with the number of parking spaces on site.
4. Persons visiting the subject property shall not park on the entrance road or property of Cherry View Park. Applicant shall ensure all persons visiting the site are apprised of this condition and comply with it.
5. Prior to the approval of a building permit, the applicant shall file a certification from a professional engineer with competency in acoustical analysis stating the building shells for the structure on site will attenuate ultimate exterior noise levels resulting from master planned adjacent traffic to an interior level not to exceed 45 dBA (Ldn).
6. Prior to the issuance of a use and occupancy permit for use under this special exception, the applicant shall obtain from the state the prohibition of a right turn on red at southbound MD197 to westbound Cherry Lane.
7. Prior to the issuance of a use and occupancy permit, the applicant shall secure approval of a preliminary plan of subdivision.
8. The applicant shall construct a six-foot-high sight-tight board fence on his property should the fence on the Cherry View Park property cease to exist.