

August 30, 2000

TECHNICAL STAFF REPORT:

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4376**

REQUEST: **Day Care Center**

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 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 301-952-3280.

FINDINGS:

- A. Location and Field Inspection: The subject property is located on the west side of Farmer Drive. It is a large flag-shaped parcel, about 3.8 acres in size. The smaller portion of the site, near Farmer Drive, is developed with a two-story residence, a swimming pool and a barn. The balance of the site, to the rear of these structures, is partially wooded.
2. History: The subject site has been in the R-R Zone since April 28, 1959. Other than its retention in the R-R Zone through the sectional map amendment process, there is no evidence of any other zoning activity taking place on this site.
- C. Master Plan Recommendation: The Subregion VII Master Plan (October, 1991) indicates that the site is planned for low-suburban residential development with a dwelling unit density of approximately 1.6 to 2.6 units per acre.
- D. Request: The application was originally filed for a private school for up to 200 children. It was amended on July 25, 2000 to a day care center for up to 60 children, including before- and after-care, for children aged two through twelve. The day care use is permitted by special exception in the R-R Zone. A before- and after-school recreational program is permitted by right in the R-R Zone; however, the number of children in this part of the program must be (and are) included as part of the maximum number of children permitted on the site.
- E. Neighborhood and Surrounding Uses: The neighborhood boundaries most appropriate in this case are:

North - Brinkley Road

East - Temple Hill Road

South - Crossland High School

West - Middlefield Road

The neighborhood is residential in nature with homes north and south of the site developed in the R-R Zone on lots ranging from one-half acre to two acres in size. To the east and west of the site are subdivisions developed in the R-80 Zone.

- F. Specific Special Exception Requirements - Section 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 maximum number of children requested is 60. It is recommended that this number be reduced to 50 based upon the referral reply from the Transportation Planning Section. (See Section K below.) This number includes the number of children who attend the day care center either before or after school, and it is the maximum number of children permitted on the site.

(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.

An enrollment of 60 children would require a play area at least 2,250 in area. The revised site plan shows a play area of 16,250 square feet, well in excess of the requirement.

(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 revised site plan shows the playground to be located about 85 feet from the residence at 6801 Farmer Drive and about 70 feet from the residence at 6803 Farmer Drive. This is well in excess of the required setback.

(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.

There is no reason to require a greater setback on higher fence to protect the health and safety of the children using the 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 play area is not off premises. It is located to the rear of the proposed day care center facility; however, an existing swimming pool intervenes between the building and the proposed play area. The pool facility is currently fenced with a fence ranging in height from four to six feet. In order to protect the safety of the children on site, this fence should be a uniform six feet in height. Access to the play area will be provided around the pool and proposed parking area by a walkway as indicated on the revised site plan.

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

The location of the play area was designed to maximize the shade canopy provided by four shade trees located to the rear of the proposed day care facility. These trees range from 12 to 20 inches dbh, which will provide sufficient shade during the summer months.

- (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.**

The applicant does not propose to use the play area after dark; however the site plan notes indicate that outdoor play shall be limited to the hours between 7:00 a.m. and 9:00 p.m., as minimally required by Subsection G below. An additional note to indicate that the play area will be used only during daylight hours will clarify this apparent discrepancy.

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

A note to this effect is shown on the site plan.

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- (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.**
- (3) The location and size of outdoor play or activity areas.**

The site plan shows the above required information.

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- (d) For the purposes of this section, enrollment shall mean the largest number of children enrolled in the center in any one (1) session.**

As indicated above, the proposed enrollment is for 60 children, some of whom will be at the center for a before- or after-school program. The number of children may not exceed the total approved by the District Council at any time.

- G. Parking Regulations: The revised site plan is in conformance with the parking regulations. Section 27-568 of the Zoning Ordinance provides that parking shall be provided for day care centers at a rate of one space for every 8 children enrolled. For 60 children, 8 spaces are required. One of those spaces is to be designed to meet the needs of the handicapped. The proposed plan shows nine spaces. These spaces meet the design standards of the parking regulations for dimensions, access driveways and surfacing. The revised plan also shows access from the space for the handicapped to the entrance of the building.

- H. Landscape Manual Requirements: This proposal is exempt from meeting the requirements of the *Landscape Manual* because no additional square footage of the existing building is proposed. However, the District Council may add appropriate conditions for landscaping in order to enhance the compatibility of the proposed special exception with the surrounding neighborhood.

The applicant proposes to provide five parking spaces in front of the building. This parking area will change the visual appearance of the front yard. However, the front yard has more than sufficient depth to provide for a ten-foot-wide landscape strip along the Farmer Drive frontage. The applicant's amended application includes a landscape plan showing a landscape strip with four shade trees and shrubs along the front property line. Three other shade trees are proposed for strategic locations along the northern property line and near the pool area to enhance the landscaping on the site. A total of 50 shrubs are proposed for the landscape strip and parking area. The proposed landscaping is consistent with the requirements of the *Landscape Manual*.

- I. Zone Standards: The proposed site plan meets the requirements of the R-R Zone for lot coverage, lot width and setbacks. The lot coverage, while it is clearly within the maximum limit of 60 percent, is not properly calculated at .69 percent, and the site plan must be revised to show the correct figure. The height of the accessory barn building is shown as 18 feet, which exceeds the height limitation for an accessory building in the R-R Zone. It is possible that the building does not actually measure 18 feet in height. (See Figure 68 in the Zoning Ordinance.) Also, if constructed prior to April 1959, or if constructed at anytime as an agricultural building, the barn is considered a nonconforming structure and may remain in its present state. Prior to approval of permits, the applicant must demonstrate that the barn meets current height regulations or was legally constructed.
- J. Sign Regulations: The proposed plan does not show a freestanding sign for the proposed day care center. A freestanding sign for a nonresidential use in a residential zone may be permitted only if it is shown on the special exception site plan and meets the requirements of the least intensive commercial zone in which the use is otherwise permitted. (See Sections 27-615, 613 and 614 of the Zoning Ordinance.)
- K. Traffic Impacts: The subject property is located on Farmer Drive, which is a secondary residential street, with a right-of-way of 40 feet and an existing pavement width of 18 feet. The initial application for up to 200 children was found unacceptable due to the traffic impacts of a facility of that size upon a narrow, substandard residential street. As noted in the April 12, 2000 memorandum from Tom Masog of the M-NCPPC Transportation Planning Section and quoted in relevant part:

■The 200-student school, assuming Private School (K-12) rates, would generate 326 daily trips. This land use is based on a private school serving all grades with the great majority of students arriving on their own or being dropped off, and little usage of bus transportation by studentsThe staff notes that Farmer Drive between Farmer Place and Temple Hill Road has a pavement width of 18 feet within a 40-foot right-of-way. This is a substandard roadway within a substandard right-of-way. The signage along the narrow portion of Farmer Drive bans on-street parking during school hours on school days, suggesting that problems already exist along this roadway with traffic entering and leaving Crossland High School. Without further evidence to suggest that this substandard roadway can clearly handle additional average daily traffic of 200-300, along with peak hour volumes

exceeding 100 cars per hour, the transportation staff would conclude that safety considerations along Farmer Drive should preclude approval of a school which relies on this roadway for access.●

The applicant has revised the application to request a smaller facility for up to 60 children. This facility would be limited to day care and before- and after-school care programs. This is a significant difference from the earlier proposal; however, Transportation Planning staff recommend that this number be reduced to 50 to bring the traffic impacts to a manageable level. The July 25 memorandum from Tom Masog observes:

■The *Guidelines for the Analysis of the Traffic Impact of Development Proposals* do not provide specific trip rates for a day care facility, but such rates are available in the Institute of Transportation Engineers' *Trip Generation Manual*. The *Manual* indicates that a 60-student day care facility would generate 49 AM and 52 PM peak-hour vehicle trips, along with 271 daily vehicle trips.

■The transportation staff's primary objections to the initial proposal were based on the fact that Farmer Drive between Farmer Place and Temple Hill Road has a pavement width of 18 feet within a 40-foot right-of-way. Specifically, since this street serves Crossland High School as well as the adjacent residences, the staff did not believe that the roadway could effectively handle additional average daily traffic of 200-300 or additional peak-hour volumes exceeding 100 cars per hour. In regard to these issues, the transportation staff has the following comments regarding the modified application:

1. The modification has reduced peak-hour traffic volumes to one-third of what they would have been with the development of the larger private school. Day care students tend to arrive over the course of two to two-and-a-half hours, as opposed to private school students who tend to arrive and leave over a brief interval.
2. The modification has reduced additional daily traffic somewhat below what it would have been with the development of the larger private school. However, considering that Farmer Drive is a substandard street, the transportation staff still believes that the addition of a use generating over 200 daily trips poses concern for the health, safety and welfare of the immediate residents. Considering that a small portion of day care trips may be generated within the neighborhood and already on Farmer Drive, the transportation staff would suggest reducing the size of the day care facility to 50 students unless further evidence is provided to indicate that this substandard roadway can clearly handle additional daily traffic.

Conclusion

■The Transportation Planning Section finds that a proposed use of this size which relies upon a substandard roadway for access potentially poses health, safety and welfare concerns. We believe that a slight reduction in the size of the day care facility - to 50 students - can minimize the stated concerns.●

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 the Zoning Ordinance are listed in Section 27-102. This application is in harmony with the following purposes in relevant part:

- a. To protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County.**
- b. To implement the General Plan, Area Plans, and Functional Master Plans.**
- c. To promote the most beneficial relationship between the uses of land and buildings and protect landowners from the adverse impacts of adjoining development.**

This application is intended to provide a healthy and safe environment for youngsters needing day care and before- and after-school care. The Zoning Ordinance provides for such institutional uses to be located in residential zones and residential areas by special exception. The site is a very large residential lot, which provides ample room for outdoor play without creating undue impacts upon neighboring residences. The only significant drawback to the site's location is the narrow secondary street providing access to the site. However, day care clients tend to arrive and depart from the facility at staggered intervals, and the proposed reduction to a total of 50 children will permit safe travel to and from the facility without overburdening this residential street.

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

The revised site plan generally complies with the applicable requirements of the R-R Zone and the special exception requirements for a day care center. The lot coverage falls well within the permitted range but will require recalculation. The only remaining regulation that needs to be addressed is the height of the existing accessory barn building. All other requirements have been met.

(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.

The Master Plan for Subregion VII recommends low-suburban residential development at 1.6 to 2.6 dwellings per acre. Institutional uses permitted by special exception in the appropriate residential zone are not inconsistent with master plan recommendations for residential areas.

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

The two most important considerations in the compatibility of a day care center in a residential area are noise and traffic. The proposed site is a large one, even by the standards of some of the larger lots in the neighborhood, which tend to be about two acres in size. The rear of the lot is exceptionally large, allowing ample room for a play area for the proposed number of children without significant disturbance to the neighbors. With the proposed reduction to 50 children, the traffic entering and leaving the site can be accommodated both on and off site. Sufficient parking is provided both in front of the building and to the rear. As noted in the Traffic Impacts section, only 50 children can be accommodated on the site without causing traffic safety concerns related to the substandard width of the street.

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

The proposed use will alter somewhat the appearance of the current residence. Specifically, the parking in front of the front entrance will add paved areas to the front yard. However, the landscape plan shows that ample space remains to provide additional landscaping along the street to soften the impacts of the proposed parking area. With the limitation to 50 children, the surrounding streets can permit the additional traffic without significant detriment to the neighborhood. However, a number greater than 50 cannot be supported on the narrow residential street.

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

A TCP I Plan was approved by the Planning Board in 1998 (TCP I/18/98). The revised site plan is consistent with this TCP which has been resubmitted for approval as part of the special exception process. The staff of the M-NCPPC Environmental Planning Section recommend that the TCP/I/98 be approved.

CONCLUSION:

The subject property is an appropriate site for a day care facility. The original proposal for 200 students in a private school was excessive for the local streets as well as the configuration of the lot. The reduction to 60 children significantly reduces the impacts to the neighborhood, but the staff recommends revising this number to 50 to ensure traffic safety and compatibility with the surrounding community in terms of traffic and daytime activities.

Therefore, staff recommends approval of this application subject to the following conditions:

1. The maximum number of children to be served by the day care center shall be 50.

2. A note shall be added to the proposed site plan indicating that the play area is to be used during daylight hours only.
3. The fence surrounding the swimming pool shall uniformly be six feet in height.
4. Prior to obtaining a use and occupancy permit, the applicant shall demonstrate that the existing barn meets the current height limitation for an accessory building, was legally constructed prior to April, 1959, or was constructed as an agricultural building.
5. If a freestanding sign is contemplated, it shall be shown on the proposed site plan in accordance with the regulations of Sections 27-613, 614 and 615 of the Zoning Ordinance.