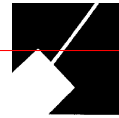


Maryland-National Capital Park and Planning Commission
 Prince George's County Planning Department
 Development Review Division
 301-952-3470



Comment [COMMENT1]: WHEN INSERTING
 INFORMATION AT THE @ SIGN
 REMEMBER TO USE INDENT FOR SECOND
 LINE - NOT TAB. ALSO, IT WILL LOOK
 LIKE THE TEXT IS GOING WACKO, BUT
 DON'T WORRY - IT IS FINE.

Special Exception Application No. 4381

Application	General Data
Project Name: Faith Family Child Care Location: North side of Old Landover Road, west of 65 th Street Applicant/Correspondent/Address: Jerome & Lisa Seegers 6414 Old Landover Road Landover, MD 20785	Date Accepted: 4-25-00
	Planning Board Action Limit: N/A
	ZHE Hearing Date: Not scheduled
	Plan Acreage: .61 acre
	Zone: R-80
	Dwelling Units: 1
	Square Feet: 1,987sq.ft.
	Planning Area: 69
	Council District: 5
	Municipality: None
	200-Scale Base Map: 205NE 5R

Purpose of Application	Notice Dates
Convert existing family day care center to a full day care center for 24 children	Adjoining Property Owners: 4-18-00 (CB-15-1998)
	Previous Parties of Record: None (CB-13-1997)
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining: N/A Property Owners

Staff Recommendation			Staff Reviewer: Jimi Jones
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION

	X		
--	---	--	--

September 29, 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: Jimi Jones, Planning Coordinator

SUBJECT: **Special Exception Application No. 4381**

REQUEST: **Day Care**

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 north side of Old Landover Road, approximately 633 feet west of 65th Avenue. This property is developed with a one and one-half story, frame dwelling. An asphalt parking area is located in the front yard.
- B. History: The property was rezoned from the R-55 to the R-80 Zone during the 1994 Sectional Map Amendment for Bladensburg-New Carrollton and Vicinity.
- C. Master Plan Recommendation: The 1994 Master Plan for Bladensburg-New Carrollton and Vicinity recommends ■suburban■ density residential development (2.7-3.5 dwelling units per acre).
- D. Request: The applicant proposes to expand the existing family day care, serving a maximum of 8 children, to a day care center for a maximum of 24 children.

E. Neighborhood and Surrounding Uses:

The neighborhood is defined by the following boundaries:

North: Annapolis Road (MD 450)
South: Landover Road
East: Cooper Lane
West: 63rd Avenue

The property is surrounded by the following uses:

North: Undeveloped land in the R-80 Zone
South: Across Old Landover Road is a church in the R-80 Zone
East: Undeveloped lot owned by M-NCPPC and single-family detached dwellings in the R-80 Zone
West: Single-family detached dwellings in the R-80 Zone

- F. Specific Special Exception Requirements: Section 27-348.01 provides the following specific requirements for day centers for children:

- 1. **A day care center for children may be permitted subject to the following:**
 - (a) **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 an enrollment of 24 children.

(b) An ample outdoor play or activity area shall be provided in accordance with the following:

- (1) 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;**

Comment: A day care center with a capacity of 24 students requires a minimum play area of 1,800 square feet ($75 \times 24 = 1,800$). The site plan indicates that a 1,855-square-foot play area is proposed.

- (2) 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;**

Comment: The site plan indicates that the closest dwelling on an adjoining lot is 25.12 feet from the play area. In addition, the play area will be enclosed by a chain-link fence that is 48 inches tall.

- (3) 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: There are no apparent safety issues that would require a greater setback for the play area.

- (4) 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: No off-premises play area is proposed.

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

Comment: The site plan shows several existing trees near the play area. These trees are not, in our opinion, sufficient to adequately shade the proposed play area. Staff recommends a total of four additional shade trees with two trees placed on the west side of the play area and two trees near the fence on the east side of the play area. The type of tree shall be Red Maple at a 2.-inch to 3-inch caliper and 8 to 10 feet in height.

- (6) **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**

Comment: Lighting is not indicated on the site plan. The applicant indicated during a telephone conversation with staff (9-25-00) that no evening or night use of the play area will occur. A note to this effect shall be added to the site plan.

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

Comment: The proposed day care center will meet this requirement. The applicant provides that the play area hours will be approximately 10:00 a.m. to 11:00 a.m. and 2:30 p.m. to 2:30 p.m.

- (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 indicates an enrollment of 24 children. The plan also indicates the location of buildings on adjoining lots and the location and size of play areas, as required.

- G. **Parking Regulations: The parking standard for the proposed day care center is one parking space per eight children.** The Zoning Ordinance also requires two parking spaces for single-family dwellings built after October 1970. Only one parking space is required for dwellings built before this date, and no parking is required for dwellings built prior to 1949. Staff looked at aerial photographs of the property taken in 1968 and found that the house was in existence during spring of 1968. We can therefore conclude that at least one parking space is required to serve the dwelling. The site plan shows three parking spaces, including a handicap parking space for a van to serve the day care center. A total of four spaces may be required.

Staff is concerned that the site will not accommodate four parking spaces. We do not believe a design solution that paves the entire front yard is acceptable given the residential character of the neighborhood. The size of the yard suggests that the maximum number of spaces that can meet the parking requirements is three. If on-site parking is required for the residence, then the sufficient parking for an enrollment of 24 children would not be available. Therefore, if one parking space is needed for the residence, only two spaces could serve the day care use. Under this scenario, only 16 children could be permitted. Only if the house was built prior to 1949 would there be adequate parking for an enrollment of 24 children. No evidence is available to support a claim that the house predates 1949.

The Permit Review Section, in a memo dated May 1, 2000, notes that the site plan must demonstrate an adequate turn-around area. The site plan proposes a parking layout that requires vehicles to back out into the street. The Zoning Ordinance does not permit this type of parking area.

Staff also notes that the parking dimensions shown on the site plan are incorrect. The site plan provides a drawing at 1 inch equals 20 feet scale and an enlarged version of the site at 1 inch equals 10 feet. The smaller drawing (1 in.=20 ft. scale) shows two parking spaces at 9 feet 2 inches x 20 feet and a handicap parking space with no dimensions. The larger drawing shows the parking spaces at 9 feet 6 inches x 20 feet and a handicap van parking space that is 16 feet x 20 feet. **The minimum dimensions for parking spaces are 9 feet 6 inches x 19 feet.**

Staff also notes that the larger drawing indicates that the parking area is 31 feet 11 inches wide. However, in adding the two, 9 feet 6-inch-wide parking spaces and 16-foot-wide handicap van space, the total width of the parking area equals 35 feet 2 inches. The site plan must be revised to reflect accurate measurements. If two drawings are to be provided on the site plan, they must be consistent.

In addition, the Urban Design Section, in a memo dated July 25, 2000, notes that the proposed parking space for the handicap van interferes with access to the entrance of the day care center. The parking area must be redesigned so that parking does not encroach onto the walkway that serves the main entrance.

- H. Landscape Manual Requirements: The proposed use is not subject to the requirements of the *Landscape Manual*. **Section 27-328.02 of the Zoning Ordinance exempts uses which do not require the construction, enlargement or extension of a building from the requirements of the *Landscape Manual* for the purposes of special exception review.** This application does not propose the construction, enlargement or extension of a building. The applicant will use the existing dwelling for the day care center.
- I. Zone Standards: The proposed use and subject property meet the requirements of Section 27-442 for the R-80 Zone. No variances are required.
- J. Sign Regulations: No signs are shown on the site plan. The applicant should understand that the location of any freestanding signs must be shown on the site plan prior to final approval. Otherwise a formal site plan revision application will be required to add a sign at a later date.
- K. 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: With the conditions recommended by staff, the proposed use and site plan will be in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance generally seek to protect and promote the health, safety, morals, comfort, convenience and

welfare of the present and future inhabitants of the County. Staff agrees with the applicants' contention regarding the acute need for day care facilities in urban areas. The proposed day care center will help to address the need for such facilities.

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

Comment: As discussed in Part G of this report, the parking area does not meet the requirements of the Parking Regulations. However, staff is recommending that the parking area either be redesigned in accordance with the regulations or a departure from design standards (DDS) application must be approved. With a revised plan that addresses the issues in Part G of this report (or an approved DDS), the proposed use will be in conformance with all applicable requirements.

The Subdivision Section, in a memo dated June 15, 2000, notes that the property appears to be in a slightly different configuration than is shown on the 1982 tax map. This is significant because deeded parcels that were created prior to January 1, 1982 and have less than 5,000 square feet of gross floor area are exempt from the requirement of filing a subdivision application. The applicant must provide deed information demonstrating that this parcel *in its current configuration*, was created prior to January 1, 1982. Otherwise the property must go through the subdivision process.

With conditions requiring that the applicant address the above issues, the proposed use will be in conformance with all applicable requirements.

- (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.**

Comment: The proposed use will not substantially impair the integrity of the 1994 Master Plan for Bladensburg-New Carrollton and Vicinity. The plan recommends residential development at a suburban (2.5-3.7 dwelling units per acre) density. The property was rezoned from the R-55 to R-80 Zone during the 1994 Sectional Map Amendment. The property also serves as the applicants' residence. No Master Plan issues are created by this application.

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

Comment: With the parking area redesigned in accordance with the Parking Regulations, the proposed use will not 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.**

Comment: The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The Transportation Section, in a memo dated September 26, 2000, notes that the day care center would only add 5 AM and PM trips to the road network.

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

Comment: The proposed site is less than 40,000 square feet in area (26,612 sq.ft.) and is therefore, exempt from the Tree Preservation Ordinance.

CONCLUSION:

Essentially, the applicant wishes to increase the enrollment of the existing day care center to accommodate the waiting list of parents who seek day care services. This increase in enrollment can be achieved without enlarging or expanding the existing single-family home in which the center exists. The parking area must be redesigned to ensure safe ingress and egress onto the site. No other issues are apparent in the review of this application. Staff therefore, recommends APPROVAL of SE-4381 subject to the following conditions:

1. The day care center is approved for a maximum enrollment of 16 children, unless the applicant can document that the dwelling was built prior to 1949.
2. Prior to the issuance of permits, the site plan shall be revised as follows:
 - a. An adequate vehicle turn-around area shall be provided on-site or a departure from parking and loading standards must be obtained.
 - b. The handicap van space shall be relocated such that it does not encroach into the main entrance of the day care center.
 - c. All measurements and dimensions shown for the two drawings shall be consistent and accurate.
3. Prior to the issuance of permits, the applicant must provide deed information demonstrating that this parcel *in its current configuration*, was created prior to January 1, 1982, Otherwise the property must go through the subdivision process.