



SPECIAL EXCEPTION APPLICATION NO. 4384

Application	General Data
Project Name: Deborah Grade's Infant Day Care Center Location The south side of Powhatan Road, approximately 196 feet west of its intersection with 54 th Avenue Applicant/Address Deborah and Mack Grade 5311 Powhatan Road Riverdale Park, Maryland 20737 Correspondent Lawrence N. Taub O'Malley, Miles, Nylen & Gilmore, P.A. 11785 Beltsville Drive, 10 th Floor Calverton MD 20705	Date Accepted 6-13-00
	Planning Board Action Limit N/A
	ZHE Hearing Date Not Scheduled
	Plan Acreage 0.5840 Acre
	Zone R-55
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 68
	Council District 3
	Municipality Riverdale Park
	200-Scale Base Map 207NE5L

Purpose of Application	Notice Dates
Day Care Center for Children.	Adjoining Property Owners (CB-15-1998) 6-30-00
	Previous Parties of Record (CB-13-1997) N/A
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation	Staff Reviewer: Elsabett Tesfaye

APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

November 22, 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: Elsabett Tesfaye, Senior Planner

SUBJECT: **Special Exception Application No. 4384**

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 301-952-3530.

FINDINGS:

- A. Location and Field Inspection: The property is located on the south side of Powhatan Road, approximately 196 feet west of its intersection with 54th Avenue. The site consists of three lots (Lots 18, 19, and 20) and comprises a total of .58 acre of land. Lots 18 and 20 are improved with a one-story and a one-and-one-half-story structures, respectively. A two-car garage is located on Lot 20. The proposed day care will be located within the structure on Lot 18 (5307 Powhatan Road). The other structure on Lot 20 (5311 Powhatan Road) is currently being used as a residence for the applicants and a family day care center (no more than eight children). The applicants intend to continue residing in the dwelling. The site has 150 feet of frontage on Powhatan Road from which it is accessed.
- B. History: The 1994 Sectional Map Amendment for Planning Area 68 retained the property's R-55 zoning. On May 10, 2000, the Prince Georges County Board of Appeals granted variances of 1 foot front yard depth for a front deck, 27.5 percent net lot coverage, and 2 feet side lot line setback for the existing detached garage, to validate existing conditions on Lot 20 (5311 Powhatan Road).
- C. Master Plan Recommendation: The 1994 Master Plan for Planning Area 68 recommends the site for a medium-suburban density, single-family detached residential land use with a maximum density of 6.70 dwelling units per acre.
- D. Request: The applicants propose to establish a day care center for 32 children (all infants, ages birth to 24 months) in an existing one-story, single-family residential structure (5307 Powhatan Road). The center will have 10 employees. The proposal also includes the widening of the existing driveways to provide two-way traffic flow and access to a handicap parking space and an increase in the number of parking spaces.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by East West Highway (MD 410) to the north, Baltimore Avenue (US 1) to the west, Decatur Street to the south and Kenilworth Avenue to the east. The immediate neighborhood is predominantly residential with single-family houses in the R-55 Zone. The site abuts single-family homes to the east and west. To the south (rear), the subject site abuts a concrete channel ■Stream Reserve.■ Low-rise apartment buildings are located further south and southeast of the subject property in the R-10 Zone. To the north (front) across Powhatan Road are vacant lots owned by The Maryland National-Capital Park and Planning Commission. Further north, beyond the vacant lots, is MD 410.
- F. Specific Special Exception Requirements: **A day care center for children is permitted in the R-55 Zone as a special exception. Section 27-348.01 sets forth the 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;**
- The applicants propose a maximum of 32 children to be enrolled in the proposed day care for infants.

(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.**

Based on the proposed capacity of the center (32 children), a play area of 1,200 sq feet is required ($32 \times 50\% = 16 \times 75 = 1,200$). The site plan provides for 2,350 square feet of play area, exceeding the minimum 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.**

- (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.**

The proposed play area is located at the rear portion of Lot 19, approximately 50 feet from the closest dwelling on the adjoining property to the west. The play area will be enclosed by a four-foot-high chain-link fence.

- (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 applicants do not propose an off-premises outdoor play area.

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

The site plan shows several existing shade trees on the rear portion of Lots 18 and 19. Three of these trees (Oak trees) are located within the play area, providing 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 insure safe operation of the area.**

The site plan indicates hours of operation from 7:30 a.m. to 5:30 p.m. At certain times of the year, it is dark during these hours. A note should be added to the site plan indicating that the play area will only be used during daylight hours. Otherwise, lighting must be provided.

(G) Outdoor play shall be limited to the hours between 7:00 A.M. and 9:00 P.M.

The proposed hours of operation for the outdoor play area are 7:30 a.m. to 5:30 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.**

The site plan generally complies with these requirements; however, the site plan needs to show the location and use of structures on the adjoining property to the east.

G. Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every eight (8) children for a day care center for children.

The proposed day care will have a maximum enrollment of 32 children. A total of four parking spaces are required $(32/8=4)$. Eight parking spaces, including one van-accessible space for the physically handicapped are provided. In addition, the residential unit on Lot 20 is served by the existing detached two-car garage located on the same lot. The four additional spaces were provided in response to the comments and recommendation of the Transportation Section (memorandum dated July 3, 2000).

The Transportation Section was initially concerned that the proposed parking spaces must not adequately accommodate the parking needs of the 10 employees of the day care and handle pick-ups and drop-offs by parents. The property is located in the middle of a block where the street (Powhatan Road) terminates at a dead end, 150 feet (three residential properties) from the subject site. Moreover, the property is located across the street from six vacant lots owned by the Maryland-National Capital Park and Planning Commission. In light of this, staff finds that there is adequate on-street parking along Powhatan Road to accommodate the property's need for additional parking spaces. Staff estimates that there are approximately 23 available on-street parking spaces along both sides of Powhatan Road, within the block the subject property is located. All of the other properties (seven residential) located along Powhatan Road have on-site parking accommodation and generate very little traffic.

The Community Planning Division initially voiced concern regarding the additional paved area for the handicapped parking space (see referral comment dated July 14, 2000). However, during further discussion it was determined that the proposed location is actually the most suitable. Furthermore, additional paving is minimized because an existing parking space is widened only slightly for van accessibility.

- H. Landscape Manual Requirements: Section 27-328.02 of the Zoning Ordinance exempts the proposal from compliance with the landscaping, buffering and screening requirements of the *Landscape Manual*, because the proposal does not involve the construction, enlargement or extension of a building.
- I. Zone Standards: With the variances already obtained from the Board of Appeals, the site plan conforms to all other development standards of the R-55 Zone. Subsequent to meetings with staff, the applicants have amended the originally submitted site plan to address issues and concerns raised in the referral comments from the Transportation Planning and Permit Sections.
- J. Sign Regulations: The site plan shows a freestanding sign located on the northwestern portion of the property, in the front yard of the proposed day care center. A note on the site plan indicates that the proposed sign will have a total area of 10 square feet (30" w x 48" l) and a height of 6 feet. The proposed sign meets all area, height and setback standards as required by section 27-617 for institutional uses.
- 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.**

The fundamental purposes of the Zoning Ordinance, as found in Section 27-102, are to protect the health, safety and welfare of the public and promote compatible relationships between the various types of land. There are no major issues associated with this application which would conflict with the general purposes of this Subtitle.

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

The subject property is located in the R-55 Zone that permits the proposed day care facility as a special exception. With the recommended condition, the proposed use conforms to all 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.**

The 1994 Master Plan for Planning Area 68 recommends the site for a medium-suburban density, single-family detached residential development. The 1994 sectional map retained the property in the R-55 Zone. The property was subdivided in the early 1900s for a single-family dwelling development. The community in which the property is located supports preservation of the existing residential character of the block. With the exception of a minor adjustment to the existing driveway to accommodate access for the handicapped, the subject property retains the established land use pattern, and the proposed use will not result in a substantial impairment of the master plan.

- (4) 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.**

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would 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.**

A Tree Conservation Plan is not required because the property is less than 40,000 square feet in area, contains less than 10,000 square feet of woodland, and it does not have a previously approved Tree Conservation Plan (per Letter of Exemption from Environmental Planning Section dated June 13, 2000).

Based on the preceding analysis and findings, it is recommended that this application be **APPROVED** subject to the condition that the site plan shall be revised prior to the issuance of permits to include the following:

- a. The location and use of structures on the adjoining property to the east.
- b. A note indicating that the play area will only be used during daylight hours. Otherwise, lighting for the play area shall be provided.