



SPECIAL EXCEPTION APPLICATION NO. 4393

Application	General Data
Project Name: Brown's Station Early Learning Center Location West side of Brown Station Road, approximately 165' north of Dille Drive Applicant/Address Diana Brown 16700 Mt. Calvert Road Upper Marlboro, Maryland 20772 Correspondent Abigale Bruce-Watson O'Malley, Miles, Nylen & Gilmore, P.A. 11785 Beltsville Drive, 10 th Floor Calverton, MD 20705	Date Accepted 9/15/00
	Planning Board Action Limit N/A
	ZHE Hearing Date Not Scheduled
	Plan Acreage 2.23
	Zone R-R
	Dwelling Units N/A
	Square Footage N/A
	Planning Area 79
	Council District 6
	Municipality N/A
	200-Scale Base Map 206SE12

Purpose of Application	Notice Dates
Day Care Center for Children.	Adjoining Property Owners (CB-15-1998) 9/21/00
	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

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January 3, 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: Elsabetts Tesfaye, Senior Planner

SUBJECT: **Special Exception Application No. 4393**

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 west side of Brown Station Road, approximately 165 feet north of Dill Drive and south of the Kingsgrant subdivision. The special exception site is part of Lot 3 and comprises 2.23 acres of land. The property is to be subdivided as part of Lot 3. It is currently unimproved. An abandoned, one-story, single-family structure stands on the front portion of the property. The site plan shows the outline of the abandoned structure but there is no other reference to it either on the plan or in the notes. The structure should be labeled on the site plan as **to be removed.**
- B. History: The 1994 Sectional Map Amendment for Subregion VI retained the property's R-R zoning.
- C. Master Plan Recommendation: The 1994 Master Plan for Subregion VI recommends the site for **Low Suburban** residential development with a maximum density of 2.17 dwelling units per acre.
- D. Request: The applicant proposes to establish a 24-hour day care center for 200 children on an approximately 2.23 acres of land. The proposed day care center will be housed in a one-story 11,904-square-foot Building. The proposal also includes a parking area with 29 spaces and a play area of 19,680 square feet.
- E. Neighborhood and Surrounding Uses: The neighborhood is generally defined by White House Road to the north, Richie Marlboro Road to the west, Old Crane Highway (MD Rt. 725) to the south and Largo RD (Md Rt 202) to the east. The immediate neighborhood is characterized by a mixture of residential and institutional uses (County Detention Center, the Board of Education school bus garage a law enforcement training center and an office building currently under construction) in the R-R and R-U Zones. The site abuts single-family homes and townhouses to the north in the R-R and R-S Zones. To the south, the subject site abuts the Prince George's Board of Education Service Facility Center. To the east and southeast, across Brown Station Road are single-family homes and townhouses (Village of Marlboro). To the west is the Prince George's County Detention Center.
- 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 applicant proposes a maximum of 200 children to be enrolled in the proposed day care center.
- (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 (200 children), a play area with a minimum of 7,500 square feet is required for half the proposed capacity ($200 \times 50\% = 100 \times 75 = 7500$). The site plan provides for 19,680 square feet of play area that provides 98.4 square feet of area for each of the 200 children.

- (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 northern portion of the subject property, 20 feet (Bufferyard) inside the northern special exception boundary line. As indicated, the subject property is part of a Lot 3 which is yet to be subdivided. The area immediately north of the subject property (the adjoining property-also part of Lot 3) is currently undeveloped. Any new dwelling developed on the adjoining property would be required to provide a minimum side yard of eight feet. This would locate any new dwelling at least 28 feet from the play area on the subject property.

The play area is also located at least 145 feet from the western property line, about 160 feet from the southern property line and at least 50 feet from the eastern (front) property line. Therefore, the proposed outdoor play area is located more than 25 feet from any dwelling on an adjoining property. The play area will be enclosed by a four-foot-high, chain-link fence (east and west), a 20-foot bufferyard with a six-foot-high, board-on-board fence (north) and the entire width (186 feet) of the proposed 19-foot-high day care building (south).

- (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 applicant does not propose an off-premise outdoor play area. The proposed play area will be directly accessed from three entrances located on the north side of the one-story building.

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

The site plan shows existing vegetation and three proposed shade trees along the northern property line, adjacent to the play area (in the

bufferyard) and a gazebo in the play area. Given the large size of the play area and the potential that it may be used by 100 to 200 children at any one time, the proposed shade is not adequate enough to afford protection from the sun during the warmer months. The applicant needs to provide additional shade in the play area.

The Urban Design Review Section has recommended that four additional shade trees should be provided in the play area. These trees should be 3" to 4" in caliper and shall be selected from the list of recommended shade trees in the *Landscape Manual*. The site plan shall be revised to incorporate the four shade trees as recommended by the Urban Design Review Section.

(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 shows that seven building-mounted lights on the four corners and the north and south sides of the rectangular building to satisfy the requirement. Although details are not provided on the lights, it appears that they will provide sufficient lightning to ensure safe operation of the play area. The applicant indicated that the lights will be angled to minimize glare onto adjoining properties.

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

The applicant indicated that, notwithstanding the fact that the play area is proposed to provide a 24-hour day care, hours of operation for the outdoor play area shall be limited between the hours of 7:00 a.m. and 9:00 p.m. A note should be added to the site plan stating the time of operation for the outdoor play area.

(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 west.

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

The proposed day care will have a maximum enrollment of 200 children. A total of 25 parking spaces are required $(200/8=25)$; 29 parking spaces, including three spaces (one van-accessible) for the physically handicapped are provided. However, there is a concern regarding the placement of at

least four of the parking spaces which are located very close to the access driveway on Brown Station Road. Vehicles pulling into and backing out of these parking spaces could create a potentially dangerous traffic condition for vehicles trying to enter the property.

The Urban Design Review Section has also voiced a similar concern about the parking spaces located adjacent to the ingress and egress to the site (three on the north side and one on the south side) and has suggested that these four spaces should be moved to the western end of the parking lot. The site/landscape plans should be revised to relocate the four parking spaces as recommended by the Urban Design Review Section.

H. **Loading Requirements:** **Section 27-582 of the Zoning Ordinance requires one loading space for every 10,000 to 100,000 square feet of gross floor area (G.F.A)**

The site plan provides for one loading space, dimensioned at 15 feet wide by 33 feet long. The loading space is located on the south side of the proposed building. The proposed loading space and its access driveway are located at least 50 feet from the adjoining residentially-zoned property. The loading space meets the requirement.

I. **Landscape Manual Requirements:** The proposal is subject to compliance with the requirements of Sections 4.2 (Commercial and Industrial Landscaped Strip Requirements), 4.3 (Parking Lot Requirements) and 4.7 (Buffering Incompatible Uses) of the *Landscape Manual*. The Urban Design Review Section has offered the following comments:

1. A detail of the six-foot-high, board-on-board fence shall be shown on the site plan.
2. The submitted detailed site plan meets the requirements of the Commercial Industrial Landscaped Strip.
3. The north and south required bufferyards meet the requirements of the *Landscape Manual*.
4. The schedule for the west bufferyard indicates that the applicant has taken the reduction for plant units should a six-foot-high, board-on-board fence be provided. The plans should be revised to indicate that such a fence is being proposed. Should the applicant chose not to include said fence, the plans and schedule shall be revised to indicate the required amount of plant units required by the *Landscape Manual*.
5. It appears that a day care of this size would generate a significant amount of trash. If a dumpster is needed the location and screening of said dumpster shall be shown on the plan.

J. **Zone Standards:** The site currently is vacant and unimproved. The site is part of an older subdivision and the subject property needs to have a new preliminary plat of subdivision before an issuance of permit for the proposed day care facility (refer to ■L• below). The site plan conforms to all other development standards of the R-R Zone.

- K. 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 drawing on the site plan indicates that the proposed sign will have a total area of 24 square feet (6'w x 4'l) and a height of 7 feet. The proposed sign meets all area, height and setback standards as required by Section 27-617 for institutional uses.
- L. Subdivision: The Subdivision Section has indicated that a subdivision plat is required, pursuant to Section 24-111 (c) (1) & (2).

Sec. 24-111. Resubdivision of land.

3. A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:
1. The proposed use is for a single-family detached dwelling(s) and uses accessory thereto; or
 2. The total development proposed for the final plat does not exceed five thousand (5,000) square feet of gross floor area; or...

- M. 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. The site is located in close proximity to the county correctional facility. The applicant has submitted a letter from the Director of the Prince Georges County Correctional Center that detailed the various security measures employed at the center. The letter indicated that in the nearly 14-year history of the center, there have been only two escape attempts, and these occurred when the facility was first opened (1987). The letter further states that tours of the facility are provided to community members, foreign visitors, school classes and interested citizens on request. There are no other 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-R Zone that permits the proposed day care facility as a special exception. With the recommended conditions, 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 Subregion VI recommends the site for ■Low Suburban■ residential development with a maximum density of 2.17 dwelling units per acre. The 1994 Sectional Map Amendment for Subregion VI retained the property's R-R zoning. The proposed day care center raises no master plan issues. Upon reviewing the applicant's proposal the Community Planning Division determined that the proposed use, at this location, next to an institutional employment area is consistent with the community planning objectives in the Subregion VI Master Plan. The Division has also offered the following comments:

- The master plan specifically recommends that day care centers should be located in employment areas (page 159, Guideline 16) and in all levels of community activity centers (page 142, Recommendation 3). The plan does not specifically address day care centers in residential areas. The subject property is located at the edge of a recommended residential area. The surrounding area is increasingly functioning as an institutional and employment area. Institutional land includes the County Detention Center, the Board of Education school bus garage and county owned property adjoining the subject property to the south.
- A designated community activity center, the Marlboro Village Center, is located on Brown Station Road, a block south of the subject property. It is worth noting that another large proposed day care center, ■Kidz Can,■ with a maximum enrollment of 176 children, was approved by the Planning Board as part of the Marlboro Village Center by SDP-9601/04 in July of 2000.
- The applicant should be aware that the DWI Facility mentioned in a listing of county employers in the vicinity of the proposed use (some that operate on a 24-hour basis and thus, may employ people who would need the proposed 24-hour child care service) does not exist anymore. The building is now a law enforcement training center.

- (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. Mr Tom Masog of the Transportation Planning Section has offered the following comments:

...The *Guidelines for the Analysis of the Traffic Impact of Development Proposals* do not contain trip rates for day care facilities. However, the Institute of Transportation Engineers' *Trip Generation Manual*, 6th edition, indicates that a 200-student day care facility would generate a total of 254 AM (135 in, 119 out) and 264 PM (124 in, 140 out) peak-hour vehicle trips. Many of these trips are usually made by persons already on the roadway, and the *Trip Generation Manual*

suggests that up to 65 percent of the trips are pass-by trips (i.e., already on the roadway). Therefore, 89 AM (52 in, 37 out) and 92 PM (38 in, 54 out) vehicle trips are new trips, while the remainder are pass-by trips.

The majority of vehicle trips generated by the use on the subject property would utilize the intersection of MD 725 and Brown Station Road, and would enter the property from Brown Station Road. There are no improvements which are programmed with 100% construction funding within the next six years in the current Maryland Department of Transportation *Consolidated Transportation Program* or the Prince George's County *Capital Improvement Program* at this location or in the immediate area. The transportation staff has three-year-old data at the intersection which suggests that acceptable traffic operations will be maintained if the use is developed as proposed, with service levels no worse than Level-of-Service (LOS) C at the MD 725/Brown Station Road intersection. As Brown Station Road is built out on the east side adjacent to the subject property, there should be sufficient pavement to allow left-turns into this site. Once right-of-way is dedicated in front of this property, there should be sufficient pavement on the west side to allow right turns.

The site plan poses no circulation issues as submitted. Brown Station Road is a Master Plan collector, and the recommended right-of-way of 40 feet from the existing center line is correctly shown on the plan.

Although the older data is sufficient to make the appropriate findings for a special exception, the transportation staff will require a traffic study to be done at the time of Preliminary Plat of Subdivision so that a positive determination of adequate transportation facilities can be made. Prior to preliminary plat filing, the applicant should contact the transportation staff so that the parameters of a traffic study can be properly scoped.

The Transportation Planning Section finds that there are no significant transportation impacts which would result from the proposed special exception. This finding is based upon traffic counts in the area which were done three years ago, and presumes that a more complete analysis of the adequacy of transportation facilities will be done in conjunction with a Preliminary Plat of Subdivision prior to the day care facility being constructed.

In further discussion of transportation issues with staff, Mr. Masog has indicated that the Transportation Planning Section's analysis of this proposal has taken into account ■Kidz Can,• the day care center with a maximum enrollment of 176 children, that was approved by the Planning Board as part of the Marlboro Village Center by SDP-9601/04 in July of 2000. As of now, ■Kidz Can• has not opened.

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

The applicant has a current letter of exemption from the proposed activity on the special exception portion of the site because less than 5,000 square feet of existing woodlands will be disturbed.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that this application be APPROVED, subject to the following conditions:

1. The site/landscape plan shall be revised prior to the issuance of permits to include the following:
 - a. The abandoned single-family structure shall be labeled ■to be removed•.
 - b. Provide four additional shade trees 3" to 4" in caliper in the play area.
 - c. Add a note stating the time of operation for the outdoor play area is limited between the hours of 7:00 a.m. and 9:00 p.m.
 - d. Show the location and use of structures on the adjoining property to the west.
 - e. Relocate the four parking spaces that are closer to the access driveway (three on the north side and one on the south side) to the western end of the parking lot.
 - f. Show a detail of the six-foot-high, board-on-board fence.
 - g. Provide a dumpster with proper screening.
 - h. Provide detail of the proposed fencing along the western property and delineate its location.