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Special Exception Application No. 4473

Application	General Data
Project Name: Goodnews Academy Day Care Center Location: West side of Temple Hill Road approximately 900 feet north of the Capital Beltway, known as 4919 Temple Hill Road. Applicant/Address: Misturat Idowu Ajayi 6669 Dasher Court Columbia, Maryland 21045	Date Accepted: 4/23/03
	Planning Board Action Limit: N/A
	Plan Acreage: 0.69
	Zone: R-R
	Dwelling Units: N/A
	Square Footage: N/A
	Planning Area: 76A
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 207SE03

Purpose of Application	Notice Dates
Day Care Center for 56 Children	Adjoining Property Owners: 4/25/98 (CB-15-1998)
	Previous Parties of Record: N/A (CB-13-1997)
	Sign(s) Posted on Site: N/A
	Variance(s): Adjoining Property Owners: N/A

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

July 8, 2003

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. 4473**

REQUEST: **Day Care Center for 56 Children**

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 subject property is an elongated parcel located on the west side of Temple Hill Road approximately 900 feet north of the Capital Beltway (I-95). The property is developed with a single-story detached residence and a shed. A sight-tight fence runs along a portion of the northern and southern boundaries with adjacent single-family homes. A U-shaped driveway provides access to the site. The rear of the property is mostly wooded.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Residence	Day care center for 56 children
Acreage	.69	.69

- C. **History:** The property has been in the R-R Zone since adoption of the original zoning map. The property was retained in the R-R Zone through the District Council approval of the Heights Sectional Map Amendment in 2000.
- D. **Master Plan Recommendation:** The Heights and Vicinity Master Plan (2000) recommends single-family detached residential development for the subject property and the surrounding area. The site is also located in the Developed Tier in the 2002 General Plan. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use pedestrian-oriented, medium- to high-density neighborhoods.
- E. **Request:** The applicant requests permission to use the property for a day care center for 56 children. The proposed site plan shows an enlarged driveway and seven parking spaces. A play area of about 5,800 square feet is shown in the backyard surrounded by a combination of sight-tight and chain-link fencing. The site plan shows existing trees and proposed landscaping. Alternative Compliance was requested for a 20-foot-wide bufferyard; however, this application is exempt from compliance with the *Landscape Manual*.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is identified as the area bounded by:

North-	St. Barnabas Road
East-	Temple Hill Road
Southwest-	Hagan Road

The neighborhood is generally developed with single-family homes on half-acre lots with mature trees; and in fact, all of the uses directly surrounding the subject property are single-family detached residential dwellings in the R-R Zone. Across Temple Hill Road are a family medical practice and a family day care center. There are commercial uses oriented to St. Barnabas Road in the northern part of the neighborhood, and at the intersection of Hagan Road and Temple Hill Road to the south are three other commercial uses: a small grocery store, a printer and a beauty shop.

G. **Specific Special Exception Requirements—Sec. 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;**

Subsection (b) of this section specifies that enrollment is defined as “the largest number of children enrolled in the center in any one (1) session.” This application is for 56 children. Based on its conformance with the specific requirements for a day care center and the general requirements for a special exception, as discussed below, an enrollment of 56 children may be approved. The actual enrollment permitted by the approval of this special exception may be reduced by the Child Care Administration or other state or local agencies, but the final enrollment may not exceed 56.

- (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 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;**

The proposed site plan shows a play area of 5,825 square feet, which is larger than the maximum required play area of 4,200 square feet for an enrollment of 56 children.

- (B) **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;**

The proposed play area is surrounded by a combination of sight-tight and chain-link fence, six feet in height.

The proposed outdoor play area is shown as an area approximately 30 feet away from the closest residence that adjoins the subject property to the south. The homes on other adjoining properties are located 55 to 140 feet from the proposed play area. The area designated as the play area is shown to be about 10 feet from the southern property line. However, it actually extends to the property line. Since the southern neighbor's house is located 16 feet from the property line, the 25-foot setback standard has not been met. In order to meet the setback standard, the fence on the southern property line could be moved, or a second fence could be provided running from the southeast corner of the shed, ten feet from the property line. This fence should be no more than four feet in height and should tie in with the sight-tight fence located at the southeast corner of the main building.

- (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;**

Greater setbacks or higher fencing are not needed to protect the children in 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 proposed site plan complies with this requirement. The play area is located behind or to the west side of the dwelling. The parking area and public street are located to the east of the dwelling.

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

There are several mature trees in and around the play area that will provide sufficient shade during warmer months.

- (F) Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to ensure safe operation of the area;**

The play area will not be used before or after daylight hours.

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

A note on the site plan indicates that the play area will be used within the hours of 8:30 a.m. to 4:00 p.m.

- H. **Parking Regulations:** Seven parking spaces are required for 56 children and seven spaces are provided, including one van-accessible space for the physically disabled. These spaces meet the design standards of the Parking Regulations for access and dimensions.

- I. **Landscape Manual Requirements:** Section 27-328.02 exempts special exceptions that do not involve the construction or enlargement of a building from meeting the standards of the *Landscape Manual*. However, the District Council may impose landscaping requirements to ensure compatibility with surrounding uses. The applicant has submitted revised site and landscape plans for consideration by the Alternative Compliance Committee since the existing buildings on the site do not conform to the building setbacks that would normally be required by the *Landscape Manual*. The requested Alternative Compliance is not required due to the above referenced exemption, but the review by the Alternative Compliance Committee has provided the information necessary for a finding of compatibility.

The combination of existing trees and proposed landscaping and sight-tight fencing will ensure compatibility with adjoining residential uses. The proposed landscape plan also shows a modest amount of landscaping in the front yard. The proposal to place eight parking spaces in the front yard will require significant additional paving that will affect its appearance from the street. Mr. Senjalia of the Department of Public Works and Transportation has indicated in a telephone conversation with staff that the proposed 25-foot-wide entrance is the minimum requirement for one-way access on a busy road such as Temple Hill Road. However, the interior 25-foot-wide driveway can be narrowed to 22 feet in accordance with the parking regulations of the Zoning Ordinance, freeing up

some additional space for landscape materials and reducing the amount of pavement. It is recommended that the proposed planting area along Temple Hill Road be widened by three feet and that the driveway be narrowed by three feet in that location.

- J. **Zone Standards:** The proposed use complies with the standards of the R-R Zone.
- K. **Sign Regulations:** The applicant has not submitted any sign information. If a freestanding sign is contemplated, it must be shown on the proposed site plan prior to final action on the special exception application and must be in conformance with the location, height and area requirements of Part 12 of the Zoning Ordinance.
- 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 listed in Section 27-102(a) are to promote the health, safety and welfare of county residents by providing for the orderly growth and development of the county and promoting the most beneficial relationship between the uses of land and buildings. The proposed use provides a service that is beneficial and convenient to the surrounding residents. The proposed use will not be detrimental to the health, safety and welfare of county residents due to the size of the lot, its location on a primary residential street rather than on an interior neighborhood street, and the site's ability to buffer and screen the use from the view of adjoining residents.

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

With the recommended conditions, the proposed use meets or exceeds 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 master plan, the General Plan.**

The General Plan places this property in the Developed Tier, recommending mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The Heights and Vicinity Master Plan recommends single-family residential uses. It does not address day care centers. However, a special exception is presumed to be compatible with the zone in which it is permitted, absent specific findings to the contrary. Given the proposal's conformance with specific special exception requirements, its presence will not impair the integrity of the Master Plan or of the General Plan.

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

This proposal will locate a day care center on a primary residential street, but not interior to a neighborhood. The review of this application by the Transportation Planning Section (June 26, 2003, memorandum from Eric Jenkins) indicates that the surrounding roads and intersections have the capacity to serve the proposed use, and that the proposed access and circulation are acceptable. With

the recommended conditions, the proposed play area meets the required setbacks, and it will be effectively screened from the view of adjoining residents. The proposed use is, therefore, not anticipated to 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.

Given the size of the property, its existing and proposed landscaping and screening, the recommended conditions to increase the size of the landscaped area along Temple Hill Road and to increase the play area setback to 25 feet, the proposed day care center will not 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 February 14, 2003, letter of exemption from Jim Stasz of the Environmental Planning Section indicates that no trees will be disturbed to implement the proposed special exception application.

CONCLUSION:

Based on the above findings, the staff recommends approval of Special Exception Application No. 4473 subject to the following condition:

Prior to the issuance of permits, the site plan shall be revised to show the following:

1. The central landscaped area along Temple Hill Road shall be widened by three feet and the interior driveway shall be reduced in width by three feet.
2. A four-foot-high fence shall be shown, ten feet north of the southern property line, from the southeast corner of the shed to meet the sight-tight fence attached to the southeast corner of the main building.
3. Revised landscape schedules to show:
 - a. North property line: 216 plant units required, 313 plant units provided.
 - b. South property line: 186 plant units required, 232 plant units provided.