



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Special Exception Application No. 4476

Application	General Data
Project Name: Fun-Damentals Early Learning Center Location: East side of Gibbons Drive approximately 175 feet south of Arden Lane, known as 8316 Gibbons Drive. Applicant/Address: Doreen M. Crowell 12906 Wheatland Way Brandywine, Maryland 20613	Date Accepted: 9/8/03
	Planning Board Action Limit: N/A
	Plan Acreage: 0.97
	Zone: R-R
	Dwelling Units: N/A
	Square Footage: 1,870± sq. ft.
	Planning Area: 76B
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 211SE04

Purpose of Application	Notice Dates
Day Care Center for Children	Adjoining Property Owners Previous Parties of Record Register Associations: 7/18/03 (CB-12-2003)
	Sign(s) Posted on Site: N/A

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

January 20, 2004

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. 4476**

REQUEST: Day Care Center for 50 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 located south of the intersection of Gibbons Drive and Arden Lane, between the Oaklawn and Radford subdivisions. The property is developed with a one-story, frame, single-family detached house. Access to the property from Gibbons Drive is provided via a gravel driveway.

B. Development Data Summary:

	EXISTING	PROPOSED
Zone(s)	R-R Zone	R-R Zone
Use(s)	Single-Family Home	Single-Family Home and Day Care Center for Children
Acreage	0.975± ac	0.975± ac
Lots	1	1
Parcels	1	1
Square Footage/GFA	1,870± sq. ft.	1,870± sq. ft.
Dwelling Units: Detached	1 SFD	1 SFD

- C. History:** The 1984 Subregion VII Sectional Map Amendment placed the property in the R-R Zone.
- D. Master Plan Recommendation:** The 1981 Master Plan for Subregion VII recommends “Low Suburban” density at 1.6 to 2.6 dwelling units per acre. The General Plan places the property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.
- E. Request:** The applicant requests approval of a special exception for a day care center with a maximum of 50 children. The house will also continue to serve as a single-family residence.
- F. Neighborhood and Surrounding Uses:** The property is surrounded by single-family detached homes in the R-R and R-E Zones. The applicant does not provide boundaries for the neighborhood in which the site is located. Staff offers the following neighborhood boundaries:

North – Allentown Road

East - Tinker’s Creek

South - Oaklawn Road

West - Allentown Road

- G. Specific Special Exception Requirements:** Section 27-348.01 of the Zoning Ordinance provides the following specific requirements for a day care center for children:

(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 has requested a maximum enrollment of 50 children for 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;**

The proposed day care center would have a maximum enrollment of 50 children. Based on the standard above, the minimum size of the play area would be 3,750 square feet (50 children x 75 square feet). The site plan shows a 5,000-square-foot play area. The plan exceeds 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;**

The site plan demonstrates compliance with this requirement. The closest house to the play area is over 60 feet away. The play area is enclosed by a four-foot-high, chain-link fence.

- (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;**

Single-family detached dwellings surround the property. The site plan shows that the distance from the play area to the nearest house is over 60-feet, which far exceeds the required 25-foot setback. There is no information in the record that suggests that the proposed location of the play area requires a higher fence or greater setback to protect the health or safety of the children.

- (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 outdoor play area is provided on the site. Furthermore, it adjoins the northeast wall of the house, and it is separated from the parking area by a four-foot-tall, black-clad vinyl, chain-link fence.

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

Three deciduous trees surround the proposed play area as shown in the accompanying landscape plan. These trees will provide a sufficient amount of shade and protection from the sun during the summer months and will allow sun into the area during the cooler 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; and**

The site plan indicates that the play area will be lighted as required.

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

The site plan contains a note indicating conformance with this requirement.

- (3) In the C-W, C-M, I-1, I-2, and I-4 Zones, a Special Exception for a day care center for children shall be allowed only if the Council finds that existing development and uses in the neighborhood (particularly on adjacent properties) will not adversely affect the proposed use.**

The subject property is in the R-R Zone. The above requirement is not applicable to this application.

- (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 demonstrates compliance with these requirements. The proposed enrollment is a maximum of 50 children. The property is surrounded by single-family detached dwellings. The size of the play area will be 5,000 square feet.

- (c) Any day care center for children which has, on or before the effective date of this Ordinance, fully complied with the provisions of this Subtitle in effect at the time the use commenced shall not be required to meet the requirements of this Section, provided that the use has not been expanded or changed since that time. Any**

expansion or change shall be governed by the provisions of this Section, or of Sections 27-445.03, 27-464.02, 27-475.02, or 27-541.02.

The requirement above pertains to existing day care centers and is not therefore applicable to the new facility proposed in this application.

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

- H. Parking Regulations:** The site plan correctly notes that 6.25 parking spaces are required for the day care center (at one space per eight children), and two spaces are required for the single-family residence. A total of nine parking spaces are provided as required. The Permit Review Section, in a memo dated October 1, 2003, however, points out that a ramp or other means of access for the parking space for the physically handicapped must be labeled on the site plan and method of identifying the compact parking spaces “in the field” must be provided on the plan.
- I. Landscape Manual Requirements:** The application is exempt from the landscaping, buffering, and screening requirements of the *Landscape Manual* per Section 27-328.02 of the Zoning Ordinance, as the proposal does not require the construction, enlargement or extension of a building. The Urban Design Section, in a memo dated January 8, 2004, submits that since the proposed is a nonresidential use in a residential zone, a six-foot-high privacy fence should be provided around the play area. Staff notes that the subject property has a large backyard, which has a well and two sheds. We are concerned that placing a six-foot-high privacy fence around the play area may hinder the ability to protect children from any hazards on the property (such as a shed or well). If, for example, a child wanders outside of the play area and is attracted to the well, the privacy fence may be an obstruction that prevents day care personnel from seeing a wandering child. Placing a board-on-board fence along the east property line would, in our opinion, provide privacy for neighbors and protection for children using the play area.
- J. Zone Standards:** The proposed use meets the height and yard requirements for the R-R Zone. Variances are not required.
- K. Sign Regulations:** No freestanding sign is shown on the site plan. If the applicant plans on erecting such a sign, it must meet the height, size and setback requirements for signs in Section 27-614 of the Zoning Ordinance. The sign must also be shown on the special exception site plan, set back at least 10 feet from the proposed right-of-way.
- L. Other Issues:** The Subdivision Section, in a memo dated January 9, 2003, submits the following comments:
- “The property is shown on Record Plat BB 9 @ 60, recorded in 1942. It is part of Lot 7 on that plat. The proposed Special Exception site plan only includes part of Lot 7. The site plan shows a structure on land immediately west of the property on what appears to be the remainder of Lot 7. Unless Lot 7 has been previously subdivided, this would mean that there are two principal structures on Lot 7, the adjoining house and the proposed day care facility building. While the Special Exception boundaries do not have to match the property boundaries, the entire lot should be shown.
- “Section 24-111 of the Subdivision Regulations permits the subdivision of a property by deed only when that subdivision occurred prior to January 1, 1982. If Lot 7 was subdivided by deed prior to 1982, the applicant should submit a deed demonstrating that for the record. If not, the applicant should revise the site plan to include all of Lot 7,

including all structures and uses. The Special Exception boundaries do not need to change.”

The site plan identifies the subject property as “Part of Lot 7,” which is a triangular-shaped lot, developed with a single-family detached home. The plan also shows a single-family detached home that abuts the subject property to the south, which also appears to be part of Lot 7. This is a problem because two single-family homes are not permitted on one lot. The lot also is not consistent with Record Plat BB 9 @ 60. Based on the above comments, the site plan must be revised to show all of Lot 7, including all existing structures on the site plan; otherwise, the applicant must also submit a deed demonstrating that the property was legally subdivided.

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 proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance, as provided in Section 27-102, seek generally to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. The applicant cites the fact that the proposed use is within a two miles of four schools (three elementary and one middle school). In addition, the property is situated between three long-established subdivisions (Oaklawn, Cimmaron Woods and Radford). The proposed day care center would promote the comfort and convenience of families in the community.

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

The proposed use is generally in conformance with all the applicable requirements and regulations of the Zoning Ordinance. There are, however, some minor deficiencies on the site plan as pointed out by the Permit Review and Subdivision Sections (memos dated October 1, 2003, and January 9, 2004). The applicant will be required to revise the site plan accordingly, if the special exception is approved.

(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 proposed use will not substantially impair the integrity of the 1981 Master Plan for Subregion VII. The master plan recommends “Low Suburban” density at 1.6 to 2.6 dwelling units per acre. The General Plan places the property within the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low-to-moderate density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. The Community Planning Division, in a memo dated October 9, 2003, opines that placing the parking lot in the front yard is inconsistent with the residential character of the neighborhood. The applicant proposes a

small, well-landscaped parking lot. Given the proximity of adjacent single-family homes, placing a lighted parking lot in the side or rear yard probably creates more problems than it solves. The proposed use will not, therefore, substantially alter the residential character of the neighborhood. The day care center will be located in an existing single-family detached dwelling. This dwelling will continue to serve as a residential use.

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. The use will continue to serve as a single-family residence and provide a service that will make the area more desirable for young families.

(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 be detrimental to the use or development of adjacent properties or the general neighborhood. The proposed day care center will be located in a residential community that is substantially developed. The center is designed to maintain a residential appearance.

The Transportation Planning Section, in a memo dated October 16, 2003, submits that the proposed use would generate approximately 41 AM (22 in and 19 out) and 43 PM (20 in and 23 out) peak-hour vehicle trips. The right-of-way on this section of Gibbons Drive is below the standard width of 50 feet required for secondary subdivision streets. Also, Gibbons Drive narrows down south of Arden Lane in terms of pavement width and right-of-way. Under today's road standards this section of Gibbons Drive would be considered substandard. If 50 feet of right-of-way is required in the future, the proposed landscaping shown on the site plan would be in the right-of-way. The two proposed 24-foot-wide driveways would help to avoid any tie-ups on Gibbons Drive and allow easier drop-offs and pick-ups of students. This section of Gibbons Drive also has a low volume of traffic. The Transportation Planning Section found that from the standpoint of transportation, the use would not be detrimental to the health, safety, or welfare of residents or workers in the area.

There is nothing further in the record that would suggest that the proposed use 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.

The proposed use is not subject to the Woodland Conservation Ordinance because the site is greater than 40,000 square feet in area and contains less than 10,000 square feet of woodland. The site does not have a previously approved Tree Conservation Plan. According to the Environmental Planning Section, an exemption letter must be obtained.

CONCLUSION:

Staff recommends APPROVAL of SE-4476 subject to the following conditions:

1. Prior to the issuance of permits, the site plan shall be revised as follows:

- a. Lot coverage calculations and gross floor area of the existing dwelling must be provided.
 - b. The dimensions of the existing sheds, including height, must be added.
 - c. A ramp or other means of access for the parking space for the physically handicapped must be labeled.
 - d. The method of identifying the compact parking spaces “in the field” must be provided.
 - e. If the parking lot is to be used at night, adequate lighting must be provided. Otherwise, a note shall be added indicating its use is restricted to daylight hours.
 - f. Provide a six-foot-high board-on-board fence along the portion of the eastern property line adjacent to the play area. The fence shall begin at a point approximately 170 feet from the northern property line and extend approximately 180 feet along the eastern property line.
 - g. Show all of Lot 7 including all existing structures on the site plan. The applicant must also submit a deed demonstrating that the property was legally subdivided.
2. The applicant shall submit a Tree Conservation Plan exemption letter to the Planning Board or its designee prior to the public hearing conducted by the Zoning Hearing Examiner.