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Special Exception Application No. 4493

Application	General Data
Project Name: Almost Home Child Care, Inc. Location: The subject property is located on the north side of Brae Brooke Drive and east side of Cipriano Road, known as 8818 Brae Brooke Drive Applicant/Address: Lawrence & Deborah Shanahan 8818 Brae Brooke Drive Lanham, Maryland 20706	Date Accepted: 3/24/04
	Planning Board Action Limit: NA
	Plan Acreage: 0.96
	Zone: R-80
	Dwelling Units: NA
	Square Footage: 1,376
	Planning Area: 70
	Tier: Developing
	Council District: 04
	Municipality: N/A
	200-Scale Base Map: 209NE08

Purpose of Application	Notice Dates
Day Care Center for 96 children	Adjoining Property Owners Previous Parties of Record Registered Associations: 11/3/03 (CB-12-2003)
	Sign(s) Posted on Site: NA

Staff Recommendation		Staff Reviewer: Laxmi Srinivas	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

June 29, 2005

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Laxmi Srinivas, Senior Planner

SUBJECT: **Special Exception Application No. 4493**

REQUEST: **Day Care Center for 96 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 on the north side of Brae Brooke Drive and the east side of Cipriano Road, known as 8818 Brae Brooke Drive. The property is improved with a one-story building of 1,376 square feet. The existing building is at present being used as a residence and a family day care. The applicant proposes to convert the existing building to a day care center for 96 children. A future addition to the existing building is also proposed. The property has 187 feet of frontage on Brae Brook Drive. Vehicular access to the property is from Brae Brook Drive.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Single-family Residential Family Day Care	Daycare
Acreage	0.96	0.96
Lots	N/A	N/A
Parcels	1	1
Square Footage/GFA	1,376	1,376 + future addition (2,630 sq. ft.) of 4,006 sq.ft.

- C. **Master Plan Recommendation:** The 1993 Glenn Dale-Seabrook-Lanham and vicinity master plan recommends suburban residential uses and retains the property in the R-80 Zone.
- D. **Request:** The applicant proposes to use the existing building and the proposed addition for a day care center for 96 children. The existing building is 1,376 square feet, and the proposed future addition is 2,630 square feet. The existing building was being used as a residence and a family day care center for 12 children since January 1991. Once the existing building is converted to a day care center for 96 children, it will no longer be used as a residence. Access to the building is through the existing driveway. Parking is proposed in the front yard and the rear yard. A play area is proposed in the northwest corner of the property. Access to the play area is from the existing building. The site plan does not indicate the proposed enrollment. A condition of approval has been added to require the same.
- E. **Neighborhood and Surrounding Uses:** The property is surrounded with the following uses:
- North—Vacant property in the R-80 Zone
- South—Brae Brooke Drive and single-family residences in the R-55 Zone
- East—Single-family residences in the R-55 Zone
- West—Single-family residence in the R-80 Zone
- The neighborhood is bounded by Greenbelt Road on the north, Good Luck Road on the east and south, and Cipriano Road on the west.
- F. **Specific Special Exception Requirements:** A day care center for children is permitted in the R-80 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 96 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.**

The Zoning Ordinance provides two scenarios for play areas. The play area could be provided for 50 percent of the licensed capacity or it could be for the total number of children to use the play area at one time, whichever is greater. In this case, the minimum required play area for 50 percent enrollment according to the above criteria is as follows:

$$96 \times 75 \times 0.5 = 3,600 \text{ square feet}$$

The applicant has provided 8,260 square feet of play area. Based on the standard of 75 square feet per child, the maximum number of children that can be accommodated in the proposed play areas is:

$$8,260 / 75 = 110$$

A play area of 7,200 square feet is sufficient to accommodate the total enrollment of 96 children. Therefore, the size of the proposed play area is more than adequate to accommodate the total enrollment of 96 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.**

The proposed play area is located more than 25 feet from the dwellings on adjacent properties. The applicant has not indicated the exact setback of the play area from the adjacent dwelling. A condition of approval has been added to require the same. The applicant is proposing a four-foot-high, board-on-board fence to enclose the play area. Access to the play area is from the existing building.

The applicant has provided a gate so that the play area can also be accessed from the parking lot in case of an emergency. The purpose of the gate is to ensure the safety of the children by preventing them from wandering into the parking lot. The gate must be closed when the children are in the play area to ensure their safety. The gate must have a latch that is located at a minimum height of three feet from the finished surface of the walkway so that the children cannot access

it. The gate must not be locked but the latch must be designed in such a way that adults can easily operate it. A condition of approval has been added to ensure these safety requirements.

- (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 setbacks for the play area meet the Zoning Ordinance requirements. The proposed fence is adequate to enclose the play area. Therefore, the above additional measures are not needed to protect the health and safety of the children utilizing 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 applicant is not proposing any off-premises outdoor play or activity area.

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

The site plan shows existing vegetation throughout the property, including several trees in the play area. The applicant will be providing mulch within the play areas. A condition of approval has been added to require an outdoor shade structure for the play area to provide 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 applicant has indicated that the play area will only be used during daylight hours. A condition of approval has been added to require a note on the site plan stating the same.

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

The applicant provides that the proposed play area hours are approximately 7:00 a.m. to 5:00 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. A condition of approval has been added to add notes to the site plan stating the proposed enrollment.

- 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.**

Parking required by Section 27-582 for a day care center: 1 parking space per 8 children=
12 spaces for 96 children.

Parking provided=13 parking spaces

- H. **Loading Regulations: Section 27-582 of the Zoning Ordinance does not require a loading space for institutional uses that are less than 10,000 square feet of gross floor area.**

The applicant has not provided any loading spaces.

- I. **Landscape Manual Requirements—Landscaping, Buffering and Screening:**

Section 27.328.02(a) of the Zoning Ordinance exempts proposals that do not involve the construction, enlargement or extension of a building from compliance with the landscaping, buffering and screening requirements of the *Landscape Manual*.

The applicant is proposing a future addition to the existing building. Therefore, the proposal is subject to the requirements of Section 4.2 and Section 4.7 of the *Landscape Manual*. The site plan does not include correct landscape schedules that show compliance with the landscape bufferyard and setback requirements of Section 4.2 and Section 4.7 of the *Landscape Manual*. A condition of approval has been added to require the same. The ultimate right-of-way line along Brae Brook Drive has not been shown. A condition of approval has been added to require the same so that the location of the ten-foot-wide landscape strip for compliance with Section 4.2 of the *Landscape Manual* can be determined.

The proposed play area encroaches into the required landscape bufferyard along the northern property line. The play area can be relocated or reduced in area to be 7,200 square feet. This way, the required landscape bufferyard can be provided along the northern property line. An alternative compliance application will be required if the play area cannot be relocated and the landscaping and setbacks required by the *Landscape Manual* cannot be provided. A condition of approval has been added to require the same.

- J. **Sign Regulations:** The site plan indicates there is an existing sign on the property. The applicant has not obtained a sign permit for the existing sign. A condition of approval has been added to require the same and require the sign setback from the right-of-way line.

- K. **Zone Standards:** A day care is permitted in the R-80 Zone by special exception. However, specific calculations and measurements must be provided for building height, lot coverage, frontage, yards, and other required setbacks to demonstrate compliance with the requirements of the Ordinance. A condition of approval has been added to require the same. With the proposed condition, the site plan demonstrates conformance with the development standards of the R-80 Zone.

- L. **Other Issues:**

1. The Permit Review Section (memorandum dated May 10, 2004) recommends addition of

notes regarding the proposal details, correct size and number of parking spaces, and the addition of correct landscape schedules. Conditions of approval have been added to require these minor changes to the site plan.

2. The Subdivision Section (memorandum dated April 22, 2004) states that the subject parcel is a legal parcel created prior to January 1, 1982. There are no subdivision issues associated with this parcel.
3. The Historic Preservation and Public Facilities Planning Section (memorandum dated April 22, 2004) states that the subject proposal has no effects on historic resources.
4. The Historic Preservation and Public Facilities Planning Section (memorandum dated April 22, 2004) states that the subject property is within adequate response time standards of the Company 48 for engine and ambulance service and is within response time standards for paramedic service from Company 18. The existing police facilities will be adequate to serve the proposed daycare use.
5. The Environmental Planning Section (memorandum dated May 14, 2004) states that there are no streams, wetlands, or 100-year floodplains associated with the property. There are no scenic or historic roads in the vicinity of the site. Traffic noise generated by MD 193 will not have any adverse impacts on this site. The property is in the Bald Hill Branch watershed of the Patuxent River basin, and the Developing Tier of the 2002 adopted General Plan. The site is exempt from the county's Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland. The section has issued a standard letter of exemption dated January 13, 2004. If the proposed addition is constructed two years after the issuance of the exemption letter, a new exemption letter will be required. A condition of approval has been added to require the same.
6. The Urban Design Review Section (memorandum dated May 21, 2004) states that the proposal is exempt from the requirements of the *Landscape Manual*. The section has requested minor changes to the site plan to show the ultimate right-of-way line and the required setbacks. Conditions of approval have been added to require the same.
7. The Community Planning Division (memorandum dated May 17, 2004) states that the property is in the Developing Tier. The 1993 Glenn Dale-Seabrook-Lanham and vicinity master plan (1993) recommends low-to moderate density suburban residential uses and retains the property in the R-80 Zone.
8. The Transportation Planning Section (memorandum dated May 5, 2005) states that the proposed use will generate a total of 83 AM and 90 PM peak-hour vehicle trips. According to the Trip Generation Manual, 65 percent of peak-hour trips generated by a day care use are typically pass-by-trips. The critical intersection for the subject property is the intersection of Brae Brook Drive and Cipriano Road. The intersection is currently operating adequately and is well below the maximum acceptable delay levels. The projected AM and PM peak-hour average delays with the additional traffic generated by the proposed day care center would continue to be below the maximum acceptable levels. The section has concluded that the proposed special exception would not result in any significant transportation impacts to the transportation facilities within the immediate area of the subject site.

9. The City of Greenbelt (memorandum dated April 21, 2004) has no comments regarding the proposal.

N. **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 that would conflict with the general purposes of this Subtitle. The proposed use of the property as a day care center will be compatible with the residential use of the adjacent properties. With the proposed conditions, the proposed use and site plan will be in harmony with the purposes of this Subtitle.

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

The existing building was being used as a residence and a family day care center for 12 children since January 1991. Once the existing building is converted to a day care center for 96 children, it will no longer be used as a residence. The existing family day care was a permitted use as a home occupation and did not require a special exception. The proposed day care for 96 children requires a special exception. The subject property is located in the R-80 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 1993 Glenn Dale Seabrook Lanham and vicinity master plan recommends low-suburban residential uses and retains the property in the R-80 Zone. The proposed use of the property is compatible with the low-suburban residential uses recommended by the master plan. The proposal is consistent with the 2002 General Plan development policies for the Developing Tier.

(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.

With the recommended conditions, 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. The Historic Preservation and Public Facilities Planning Section and the Transportation Planning Section have concluded that the existing public facilities are

adequate to serve the proposed day care. The proposed use of the subject property as a day care center will be compatible with the adjacent residential uses and will provide quality child care in the neighborhood.

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

The site is exempt from the county's Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland. The section has issued a standard letter of exemption dated January 13, 2004.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception SE-4493 be APPROVED subject to the following conditions:

1. Prior to the Zoning Hearing Examiner's hearing, the site plan shall be revised to show the following:
 - a. A note stating that the proposed gate for the play area shall be closed when the children are in the play area to ensure their safety. The gate shall have a latch that is located at a minimum height of three feet from the finished surface of the walkway so that the children cannot access the play area. The gate shall not be locked, but the latch shall be designed in such a way that it can be easily operated by adults.
 - b. A note stating that an outdoor shade structure for the play area shall be provided for sufficient shade during the warmer months .
 - c. Notes stating the proposed enrollment and that the proposed play area hours limited to daylight hours only.
 - d. Lot coverage.
 - e. Building area and building height for all structures.
 - f. Building setbacks for all structures.
 - g. Outdoors play area calculations.
 - h. Dimensions of the existing shed.
 - i. Correct parking space sizes.
 - j. Correct parking schedules and calculations.
 - k. The ultimate right-of-way line along Brae Brook Drive.
 - l. The setback of the play area from the dwelling units on adjacent properties.
 - m. Correct landscape schedules that show compliance with the landscaping and setback requirements of the *Landscape Manual*.

- n. A note stating the maximum number of children to use the play area at a time.
 - o. The play area relocated or reduced in area to be 7,200 square feet so that the required landscape bufferyard can be provided along the northern property line.
 - p. Setback for the existing sign from the right-of-way line.
2. Prior to issuance of use and occupancy permits, the applicant shall:
- a. Obtain an alternative compliance approval if the play area cannot be relocated and the landscaping and setbacks required by the *Landscape Manual* cannot be provided.
 - b. Obtain a sign permit for the existing sign.
3. Prior to issuance of building permits for the proposed addition, the applicant shall obtain a new letter of exemption from the Environmental Planning Section if the current letter of exemption has expired.