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Special Exception Application No.

SE-4503

Application	General Data
Project Name: Generations Early Learning Child Care Center Location: Southeast corner of Adams Drive and Jackson Avenue, known as 1301 Adams Drive. Applicant/Address: Ruby Davis-Jett 1301 Adams Drive Fort Washington, Maryland 20744	Date Accepted: 8/11/05
	Planning Board Action Limit: N/A
	Plan Acreage: 0.54
	Zone: R-R
	Dwelling Units: 1
	Square Footage: 1,428
	Planning Area: 80
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 217SE02

Purpose of Application	Notice Dates
Day Care Center for Children (30)	Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003) <div>5/13/05</div>
	Sign(s) Posted on Site and Notice of Hearing Mailed: <div>N/A</div>

Staff Recommendation		Staff Reviewer: Kendra Wright	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

February 10, 2006

TECHNICAL STAFF REPORT:

TO: The Prince Georges County Planning Board
The Prince Georges County District Council

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Kendra C. Wright, Senior Planner

SUBJECT: **Special Exception Application No. 4503**

REQUEST: Special Exception for a Day Care Center in the R-R Zone.

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 in the Southeast quadrant of the intersection at Adams Drive and Jackson Drive in Fort Washington. The site consists of .54 acres and is zoned R-R (Rural Residential). The property is developed with a single-family dwelling and rear yard accessory sheds. At present, access to the property is via a driveway on the Adams Drive frontage of the property.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R (Rural Residential)	R-R (Rural Residential)
Use(s)	Residential	Day care for Children
Acreage	.5426 acres	.5426 acres
Lots	1	1
Square Footage/GFA	1,428 square feet	1,428 square feet
Dwelling Units: Detached	1	1

C. **History:** The structure was built in 1956 and has been maintained as a residence since that time. The 1984 *Subregion VII SMA* classified this property in the R-R Zone.

D. **Master Plan Recommendation:** The *Adopted and Approved Master Plan, Subregion VII, South Potomac Planning Area 80*, places the subject property in the “Friendly” community. The 2002 *Approved General Plan*, October 2002 places the property in 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. A day care center for children is designated as a permitted use in the R-R zone by grant of special exception. Upon meeting the conditions of approval, the proposed day care center will not impair the integrity of either plan. In addition, the exterior of the existing single-family residence will not be expanded or modified and will not change the residential character of the site or the neighborhood.

E. **Request:** The applicant seeks to operate a day care center for up to thirty (30) children in a home located in the Rural Residential zone, which requires grant of a special exception application. The use will also continue to operate as a dwelling.

F. **Neighborhood and Surrounding Uses:** The property is surrounded by residential properties in the R-R Zone on all adjoining sides. It is located in close proximity to a shopping center zoned C-S-C. A mixture of single-family development and pocket commercial characterizes the neighborhood. The Fort Washington Forest neighborhood is defined by the following boundaries:

North – Old Fort Washington Lane
East – Livingston Road

South – Piscataway Creek
West – Indian Head Highway

- G. **Specific Special Exception Requirements:** Section 27-348.01 provides the following specific requirements regarding the size and operation hours of an outdoor play area for a daycare center.

27-348.01 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;**
 - (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 above standard, with an enrollment of thirty (30) children, this play area must be at least 2,250 square feet in order to accommodate all thirty (30) children at one time. If 50 percent of this enrollment (15 children) uses the play area at one time, then at least 1,125 square feet is required for the play area. While the site plan indicates that a minimum 1,125 square feet of space is required in the play area, and it also notes that 9,400 square feet. The site plan lists inconsistent information as to the actual size of the rear yard. The location of the outdoor play area on the site plan indicates 9,000 square feet, while Section 27-348.01(2)(a) in the Development Data section of the site plan indicates the “outdoor play area provided” as 9,400 feet. The actual size must be listed and must agree in both places. Additionally, upon meeting the conditions of enclosing a designated play area and specifying that only 50 percent of the enrollment shall be in the area at one time, the dimensions of the actual area and the number of children enrolled must be consistent with the requirements of this section.

- (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 rear yard on the subject property is twenty-five (25) feet from the adjacent single-family detached houses and is enclosed only by an existing four-foot-high chain link fence. The applicant should provide a minimum four-foot-high privacy fence to enclose the outdoor play area in order to mitigate the impact of the outdoor play area on the adjacent existing single-family detached residences. While the rear yard is currently large enough to accommodate thirty (30) students at one time, Staff finds this amount of children to be excessive and potentially disruptive to adjacent property owners. Thus, the recommendation limiting the number of students by at least 50 percent is reiterated. Additionally, the applicant proposes a paved parking area and one-way drive to be located in the rear yard along Jackson Drive. The applicant shall ensure that the play area is securely enclosed and appropriately located a safe distance from the parking area and driveway.

- (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 daycare center is a non-residential use in a residential zone, and the applicant proposes to use the entire rear yard as the outdoor play area. In order to mitigate the impact of the outdoor play area on the adjacent existing single-family detached residences, Staff recommends a specific location be designated as outdoor play area in the rear yard and that a minimum four-foot-high privacy fence be provided to enclose 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 outdoor play area will be located on the subject property. This section is not applicable.

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

Large, existing trees shade the entire rear yard. These trees will provide shade and afford protection from the sun in 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; and**

Low-level lighting must be installed to provide adequate levels of illumination in the parking lot and the play area. The location of this lighting must be shown on the site plan.

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

The site plan indicates that the outdoor play area will operate between 7 A.M. and 9 P.M. The applicant should provide the daycare center with the installation of sensory security lighting on the property and the inclusion of a security camera(s) or other security measures on the site due to the proposed hours of operation, which extend until 9:00 P.M., and to the significant amount of vegetation and accessory facilities in the vicinity.

- (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.**

Not applicable. This property is in the R-R zone.

- (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 shows the proposed enrollment, location and use of buildings located on adjoining lots, and the proposed size of the rear yard as the location for the outdoor play area. Upon meeting the conditions of approval, the site plan will meet the requirements of this section.

- (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 site has not previously been used as a day care.

- (d) **For the purposes of this Section, enrollment shall mean the largest number of children enrolled in the center in any one (1) session.**
(CB-23-1988; CB-98-1988; CB-1-1989)

- H. **Parking Regulations:** Pursuant to Section 27-568, the parking requirements for a daycare center delineate one space for every eight children. The applicant proposes a maximum of thirty (30) students. The site plan indicates that three (3) standard spaces and one (1) van accessible handicapped space will be provided on the southwest portion of the lot, meeting the required total of four (4) spaces. Per Section 27-554 of the Zoning Ordinance, all parking lots must be surfaced in a manner as to be dust-free. The proposed day care center and its associated parking and impervious surfaces comprise less than the allowable 30 percent lot coverage in the R-R zone. A standard street construction permit for the roadway improvements is required. Posting of the necessary bonds and payment of the permit fee are required.
- I. **Landscape Manual Requirements:** The proposed use does not require the construction, enlargement, or extension of a building, per Section 27-328.02 Landscaping, buffering, and screening. The use is exempt from the Prince George's County *Landscape Manual*.
- J. **Zone Standards:** The proposed use is in the R-R zone. The use meets the height and bulk requirements for this zone. No variances are required.
- K. **Sign Regulations:** The site plan proposes one freestanding sign on the western side of the property along Jackson Avenue. The sign is shown with a ten foot set back from the property line. A separate sign permit must be issued in order for the sign to be erected.
- L. **Other Issues or Conditions of Approval:** The required fire and rescue facilities have been determined to be adequate and the population of the development will not place an unreasonable burden upon the development or public facilities. The police response time requirement was not met. The Prince George's County Planning Department has determined that the site for this Special Exception application is located in District IV Oxon Hill. The standard for emergency calls response is 10 minutes and 25 minutes for non-emergency calls. The test is based on a rolling average for the preceding 12 months beginning with January of 2005. In order to address this, the applicant should provide the daycare center with the installation of sensory security lighting on the property and the inclusion of a security camera(s) or other security measures on the site due to the proposed hours of operation which extend until 9:00 pm and to the significant amount of vegetation and accessory buildings in the vicinity.
- 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.**

With the recommended conditions of approval, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance seek generally to protect and promote the health, safety, morals, comfort, convenience, and welfare of inhabitants of the county. The proposed daycare will provide a safe environment for children to learn and grow, as well as a convenient location for the residents in this portion of the County. The subject property's location, in close proximity to three major roadways (Indian Head Highway, Livingston Road, and Old Fort Washington Lane) and two elementary schools (Fort Washington Forest and St. Mary's), offers a neighborhood facility that is accessible from home and nearby schools.

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

With the recommended conditions of approval, the proposed use is generally in conformance with all the applicable requirements and regulations of the Zoning Ordinance. Additional fencing, paving, and lighting schedules are required to show compliance.

- (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 *Adopted and Approved Master Plan, Subregion VII, South Potomac Planning Area 80*, places the subject property in the "Friendly" community. The *2002 Approved General Plan*, October 2002 places the property in the "Developing Tier". A day care center for children is designated as a permitted use in the R-R zone by grant of special exception. Upon meeting the conditions of approval, the proposed day care center will not impair the integrity of either plan. In addition, the exterior of the existing single-family residence will not be expanded or modified and will not change the residential character of the site or the neighborhood.

- (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 proposed daycare center would generate approximately 133 additional daily trips along Jackson Drive amounting to a daily total of 510. While recent traffic data in the area is not available, ten year-old findings of the Neighborhood Traffic Management Program (operated by the County Department of Public Works and Transportation) suggests that an average daily traffic volume of 600 is the maximum desirable traffic volume for a standard secondary residential street. Therefore, it appears that a day care of this size can be added without a significant increase in vehicular conflicts or decrease in safety.

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The adjacent properties and surrounding general neighborhood are residential in character and are currently fully developed. With the recommended conditions of approval, the play area will

have minimal effect on the adjacent homes. The off street parking and drop off area is also designed to minimize any impact on the residential streets of the neighborhood.

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

The property is less than 40,000 square feet in area and the site has no previously approved Tree Conservation Plans.

CONCLUSION:

Based on the preceding analysis and findings, staff therefore recommends APPROVAL of SE-4503, subject to the following conditions:

1. Prior to the public hearing before the Zoning Hearing Examiner (ZHE), the applicant shall submit a revised Site Plan that:
 - a. Displays the location of the designated outdoor play area;
 - b. Provides fence details;
 - c. Demonstrates that the structure will be accessible to the physically handicapped;
 - d. Notes that “Only 50 percent of the enrollment number of children shall be in the play area at one time”
2. The applicant shall provide a minimum four-foot-high privacy fence to enclose the outdoor play area in order to mitigate the impact of the outdoor play area on the adjacent existing single-family detached residences;
3. The applicant shall provide information on the age range of the prospective day care;
4. The applicant shall provide documentation that notes that only 50 percent of the enrolled number of children shall be in the play area at one time.
5. The applicant shall provide the daycare center with sensory security lighting to provide adequate levels of illumination in the parking lot and the play area.
6. The applicant shall provide the daycare center with a security camera(s) or other security measures on the site.