



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

Special Exception Application No. 4566

Application	General Data
Project Name: Kinder Explorers Daycare Location: North side of Annapolis Road approximately 40 feet west of Morley Road, known as 9216 Annapolis Road. Applicant/Address: Kinder Explorers, LLC 9216 Annapolis Road Lanham, Maryland 20706	Date Accepted: 5/4/06
	Planning Board Action Limit: N/A
	Plan Acreage: 0.33
	Zone: R-80
	Dwelling Units: N/A
	Square Footage: 2,296 sq. ft.
	Planning Area: 70
	Tier: Developing
	Council District: 03
	Municipality: N/A
	200-Scale Base Map: 207NE08

Purpose of Application	Notice Dates
Day Care Center for Children (20)	Adjoining Property Owners Previous Parties of Record Registered Associations: 2/15/06 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Teri Bond	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

August 28, 2006

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: Teri Bond, Planner Coordinator

SUBJECT: **Special Exception Application No. 4566**

REQUEST: **Day care center for 20 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 property is located at 9216 Annapolis Road and is on the north side of Annapolis Road, approximately 300 feet east from its intersection with Greenwood Lane. It is currently developed with a single-family home although it appears as if the property may have been used for a commercial purpose previously since the front yard has been paved over and stucco has been added to the façade of the house. The property has two driveways, one on each end of its frontage on Annapolis Road. The site consists of two narrow lots back to back, with the home being located on the front third of the site. A fenced-in play area is proposed to be located to the rear of the single-family structure and will be shaded with two existing oak trees. The one-story house does have two front side yards that are currently devoid of landscaping.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Single-family dwelling	Day care center
Acreage	.33	.33

- C. **History:** The 1993 Sectional Map Amendment for Glenn Dale-Seabrook-Lanham and Vicinity (Planning Area 70) retained the R-80 Zone for the subject property.
- D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1993 Approved Glenn Dale-Seabrook-Lanham and Vicinity Master Plan. The application is located 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. The 2002 General Plan Development Pattern policies for the Developing Tier do not address a day care facility as proposed by this application.
- E. **Request:** To operate a day care center for 20 children.
- F. **Neighborhood and Surrounding Uses:** The property is surrounded by the following uses:

North—Single-family homes in the R-80 Zone.
East—A single-family home in the R-80 Zone.
South—Across Annapolis Road (MD 450), single-family homes in the R-55 Zone.
West—A mortgage company office in the R-80 Zone.

The neighborhood is primarily residential with single-family homes. A single-family home, which has been converted to a mortgage office, is adjacent to the property to the west in the R-80 Zone.

- G. **Specific Special Exception Requirements:**
- (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;**

The applicant is providing 900 square feet of fenced-in play area. Although the day care center will be licensed for 20 children, the applicant has stated that only 10 children will be using the play area at one time. The proposed 900 square feet exceeds the minimum required for 10 children based on the provision of 75 square feet for each child (750 square feet).

- (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 play area is located approximately 90 feet away from the nearest dwelling on adjoining lots, and it will be enclosed by a four-foot high chain-link fence with one gate for ingress/egress. This play area is located within the home's backyard, which is enclosed by a fence as well. A six-foot board-on-board fence surrounds three-fourths of the site and a chain-link fence runs along the western property boundary. Staff recommends that the existing six-foot board-on-board fence be expanded to run along the western property boundary as well to complete the screening of the play area.

- (C) **A greater setback 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 site plan indicates that the play area will be over 90 feet and 102 feet, respectively, from the single-family buildings to the west and east of the property. Staff believes the existing setbacks are adequate given the nature of surrounding uses and agrees with the applicant's conclusion that a greater setback or higher fence is not necessary 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 does not propose the use of an off-premise outdoor play area.

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

The existing oak trees shown on the site plan will be sufficient to provide ample shade for the children 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; and**

Play area hours will take place only during daylight hours; therefore, lighting will not be required.

(G) Outdoor play shall be limited to the hours between 7am and 9pm.

Outdoor play hours will be limited from 7:00 a.m. to 7:00 p.m. A note to this effect has been added to the site plan.

H. ***Landscape Manual Requirements:*** The proposed use is exempt from the *Landscape Manual* since no new development is proposed.

I. **Sign Regulations:** No freestanding signs are being proposed for this use.

J. **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 Subtitle 27 are set forth in Section 102. The proposed uses and accompanying site plan will be in harmony with the purposes of this subtitle with the recommended revisions which will ensure compatibility with the existing neighborhood as well as safe access to the property.

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

The proposed use is exempt from the requirements of the *Landscape Manual* since the existing building and parking lot is not being expanded. The property's driveway entrances both measure less than the 22 feet that is required by the Zoning Ordinance for two-way traffic. Since the site cannot comply with the Zoning Ordinance requirement of a width of at least 22 feet for two-way driveway entrances, it is recommended that both driveway entrances be limited to one way to provide for a one-way in and one-way out circulation pattern on Annapolis Road. The plan should also be revised to remove an incorrect note that this site has a nonconforming use (day care center).

(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 use is compatible with the master plan recommended land use for this property of suburban density residential use. It is located 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. Thus, the proposed use will not substantially impair the integrity of any validly approved master plan or functional master plan.

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

None of the responses from any referring agencies received by staff indicate that the proposed day care center for 20 children will adversely affect the health, safety or welfare of residents or workers in the area. A site inspection, however, uncovered that the lawn in the backyard is in poor condition and creates an unsafe situation for children. It is recommended that the lawn be graded and re-seeded.

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

Much of the front yard of the property has been paved and is devoid of landscaping. This change is not in character with the development along Annapolis Road (MD 450). Although some of the adjoining single-family homes also include commercial uses, the sites have maintained landscaping in front of their buildings. Staff recommends that the applicant add landscaping to both side yards around the building to enhance its appearance and to create a more compatible land use for the neighborhood, which is characterized predominantly by single-family residences with front yard landscaping.

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

This property is exempt from the Prince George's County Woodland Conservation Ordinance because it is less than 40,000 square feet in area and contains less than 10,000 square feet of woodland, and there is not previously approved Tree Conservation Plan. A Tree Conservation Plan is not required and a letter of exemption dated April 21, 2006, (Receipt # 2186) has been submitted by the applicant for this development.

CONCLUSION:

Based on the preceding analysis and findings, staff is recommending that this application be APPROVED, based on the following conditions:

1. Prior to approval of this special exception, the site plan shall be revised to show the following:
 - a. Adequate and appropriate landscaping in both side yards in front of the backyard fence to ensure compatibility with adjacent properties.
 - b. A six foot board-on-board fence along the east and west sides of the backyard.
 - c. A one-way arrow shall be placed on the site's western driveway entrance on Annapolis Road (MD 450).
 - d. Remove incorrect note that indicates that this site has an existing day care center operating as a nonconforming use.
2. Prior to the issuance of a use and occupancy permit, the back lawn shall be leveled and re-seeded to ensure a safe play area for the children.