



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## SPECIAL EXCEPTION

**SE-4567**

Application	General Data
<b>Project Name:</b> DAY CARE CENTER FOR CHILDREN AT 7604 SOUTH OSBORNE ROAD  <b>Location:</b> NORTH SIDE OF SOUTH OSBORNE ROAD APPROXIMATELY 1000 FEET WEST OF THE INTERSECTION OF CRAIN HIGHWAY  <b>Applicant/Address:</b> PERSONAL TOUCH INVESTMENT, INC. C/O JAMES E. CLARK 3100 ETON DRIVE UPPER MARLBORO, MARYLAND 20772	Date Accepted: 6/14/2007
	Planning Board Action Limit: N/A
	Plan Acreage: 5.20
	Zone: R-A
	Dwelling Units: N/A
	Square Footage: 3,013
	Planning Area: 82A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 210SE11

Purpose of Application	Notice Dates
DAY CARE CENTER FOR 75 CHILDREN	Adjoining Property Owners Previous Parties of Record Registered Associations: 4/9/2007 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: LAXMI SRINIVAS	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

October 3, 2007

**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. 4567**

REQUEST: **Day Care Center for 75 children**

The Maryland-National Capital Park and Planning Commission  
Prince George's County Planning Department

RECOMMENDATION: **APPROVAL** with conditions

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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.

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## FINDINGS:

- A. **Location and Field Inspection:** The subject property is located on the north side of South Osborne Road, approximately 1,000 feet west of the intersection of Crain Highway, and is known as 7604 South Osborne Road. There is an existing single-family residence on the property. The property has 420 feet of frontage on South Osborne Road. Vehicular access to the property is from a 24-foot-wide entrance along South Osborne Road.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-A	R-A
Use(s)	Single-family Residential	Day Care
Acres	5.2	5.2
Lots	N/A	N/A
Parcels	1	1
Square Footage/GFA	3,013	3,013

- C. **History:** The 1993 Subregion VI Study Area Master Plan and the 1994 Sectional Map Amendment for the Subregion VI Study Area Master Plan retained this property in the R-A Zone.
- D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developing Tier. The vision of 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 1993 Subregion VI Study Area Master Plan and the 1994 Sectional Map Amendment for the Subregion VI Study Area Master Plan classified the subject property as rural land use. A day care center use is permitted with a special exception. Since the proposed day care center will be located in an existing residential structure, it will not impact the rural land use character of the neighborhood and will conform to the land use recommendations of the master plan.
- E. **Request:** The applicant proposes to convert the existing single family residence to a day care center for 75 children. The existing single-family residence is 3,013 square feet. Once the existing building is converted to a day care center for 75 children, it will no longer be used as a residence. A condition of approval has been added to require a note on the site plan stating the same. Access to the building is through an existing asphalt driveway. A parking area with ten parking spaces is proposed in the rear yard on the northwestern portion of the property. A play area is proposed in the front yard on the southwestern portion of the property. Access to the play area is from the existing building. The play area will be 5,764 square feet with a five-foot-high chain link fence. A bioretention area is proposed behind the parking area and retaining walls are proposed along the northwestern and western portions of the property due to the steep slopes on the property. The day care hours are from 6.30 A.M. to 6.30 P.M. and the play area hours are from 7 A.M. to 9 P.M.

F. **Neighborhood and Surrounding Uses:** The subject property is located in a neighborhood defined by the following boundaries:

- Pennsylvania Avenue (MD 4) on the north
- Old Crain Highway on the east and south
- US 301 on the south
- South Osborne Road on the west and south

The property is surrounded with the following uses:

North—Agricultural land in the R-A Zone

South—South Osborne Road and a private club in the R-A Zone across from South Osborne Road

East—Commercial shopping center in the C-S-C Zone

West—Agricultural land in the R-A Zone

G. **Specific Special Exception Requirements:** 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 75 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:

$$75*75*0.5=2,812.5 \text{ square feet}$$

The required play area for the total enrollment is:

$$75*75 = 5,625 \text{ square feet}$$

The applicant has provided 5,764 square feet of play area. The proposed play area exceeds the minimum play area requirement for 50 percent enrollment and total enrollment.

- (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.**

There are no existing dwellings on the adjacent properties. Therefore, the above section is not applicable. The proposed play area will be set back more than 70 feet from the property lines. Access to the play area is from the existing building. The applicant is proposing a five-foot-high chain-link fence to enclose the play area. A sight-tight fence is a better alternative to completely enclose the play area. A condition of approval has been added to require a sight-tight fence.

The applicant has not shown a gate for the play area so that it can also be accessed from the front yard 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. With the proposed conditions, 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 applicant is proposing a 25-foot by 25-foot nylon canopy within the play area to provide shade during the warmer months. There are some existing shade trees within the play area. The canopy and the existing trees will 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 note shall be added to the site plan stating that the play area will be used only during daylight hours.

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

The applicant has stated that the proposed play area hours are approximately 7:00 A.M. and 9:00 P.M. However, since no lighting is proposed for the play area, use of the play area must be restricted to daylight hours.

- (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.

- H. **Parking Regulations:** Section 27-568 of the Zoning Ordinance requires one parking space for every eight 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= 10 spaces for 75 children.

Parking provided=10 parking spaces

The applicant has provided the required number of parking spaces.

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

The applicant has not provided any loading spaces.

- J. **Landscape Manual Requirements:** Section 27.328.02(a), Landscaping, Screening and Buffering, 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*. A condition of approval has been added to require a note on the site plan stating that the proposal is exempt from the requirements of the *Landscape Manual* according to Section 27.328.02 (a) of the Zoning Ordinance.

Since the applicant is not enlarging or extending the existing building, the proposal is exempt from the requirements of the *Landscape Manual*. A condition of approval has been added to require a note on the site plan stating that the existing building will not be enlarged or extended.

- K. **Sign Regulations:** The applicant is proposing a freestanding identification sign at the entrance to the property along South Osborne Road. The proposed sign will be six feet wide and eight feet high with a total area of 48 square feet. It will have the words “Osborne Day Care Center” at the top and a digital message board with red dotted letters that can be changed and programmed.

Section 27-617, Institutional Signs, of the Zoning Ordinance allows one freestanding sign or attached to a building with a maximum area of 48 square feet, maximum height of eight feet above finished grade at the base of the sign and a minimum setback of 15 feet from adjoining land in any residential zone. The proposed sign is 48 square feet in area and the height of the sign is eight feet above grade. There are no residential properties in the vicinity of the subject property. Therefore, the minimum setback for the sign from residential properties is not applicable. The proposed sign meets the requirements of the Zoning Ordinance.

The applicant has not indicated the proposed setback for the sign from the ultimate right-of-way line. The ultimate right-of-way line is also not shown on the site plan. A condition of approval has been added to show the proposed setback for the sign from the ultimate right-of-way line.

The applicant has not provided any information regarding the color, height, materials and illumination for the words “Osborne Day Care Center.” A condition of approval has been added to require the same.

- L. **Zone Standards:** A day care is permitted in the R-A Zone by special exception. The proposed building height, lot coverage, frontage, yards, and other required setbacks demonstrate compliance with the development standards of the R-A Zone.

M. **Referral Comments:**

1. The Permit Review Section (memorandum dated June 18, 2007) recommends verifying compliance with the various requirements of the Zoning Ordinance. The section has asked for clarification regarding the agricultural use of the adjacent properties to the north and west. The applicant and staff have verified that the adjacent properties are taxed as agricultural uses. Conditions of approval have been added to require minor changes to the site plan for compliance with the Zoning Ordinance.
2. The Historic Preservation and Public Facilities Planning Section (memorandum dated June 21, 2007) states that the subject proposal has no effects on historic resources.
3. The Historic Preservation and Public Facilities Planning Section (memorandum dated June 19, 2007) states that the existing ladder truck service does not meet the travel time guidelines. The section recommends an automatic fire suppression system for all proposed buildings. A condition of approval has been added to require the same. The existing engine, paramedic and police facilities will be adequate to serve the proposed day care center.
4. The Environmental Planning Section (memorandum dated August 8, 2007) states that the proposal is exempt from the Woodland Conservation Ordinance because the property contains less than 10,000 square feet of woodland on site and there are no previously

approved tree conservation plans associated with this property. The section issued a standard letter of exemption on June 5, 2007.

5. The Urban Design Review Section (memorandum dated August 16, 2007) states that the proposal is exempt from the requirements of the *Landscape Manual*. The section has stated that the proposed retaining wall does not meet the setback requirements for fences more than six feet in height. The applicant has submitted a sectional drawing clearly demonstrating that the proposed retaining wall and the three-foot-high chain-link fence on top of the retaining wall will not project more than six feet above grade along the property lines due to the steep slopes along the property lines. A condition of approval has been added to require a note stating that the proposed retaining walls and the three-foot-high chain-link fence on the retaining walls will not project more than six feet above grade along the property lines. The Urban Design Section has suggested some conditions of approval to require minor changes to the site plan for compliance with the Zoning Ordinance.
6. The Community Planning Division (memorandum dated July 25, 2007) states that the property is located in an area identified in the 2002 General Plan as the Developing Tier. The vision of 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 1993 Subregion VI Study Area Master Plan and the 1994 Sectional Map Amendment for the Subregion VI Study Area Master Plan classified the subject property as rural land use. A day care center use is permitted with a special exception. Since the proposed day care center will be located in an existing residential structure, it will not impact the rural land use character of the neighborhood and will conform to the land use recommendations of the master plan. The division has suggested that the Transportation Planning Section must evaluate the transportation safety issues related to this proposal.
7. The Transportation Planning Section (memorandum dated July 17, 2007) states that the proposed use will generate a total of 60 AM and 62 PM peak-hour additional vehicle trips. Of these, a portion of these trips are assumed to be pass-by trips. Applying the pass-by factor suggests that the day care center would generate a net of 21 AM and 22 PM peak-hour trips. The intersections in the vicinity of the subject property will continue to operate acceptably with the additional 22 peak-hour trips. The section has concluded that the subject application will not negatively impact the health, safety and welfare of the community.
8. The Transportation Planning Section—Trails (memorandum dated July 26, 2007) states that there are no master plan trails recommendations.

**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 rural land use designation for the subject property. 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 will be converted to a day care center for 75 children. Once the existing building is converted to a day care center for 75 children, it will no longer be used as a residence. The proposed day care for 75 children requires a special exception. The subject property is located in the R-A Zone, which permits the proposed day care facility as a special exception. The Permits Review Section has requested verification with the requirements of the Zoning Ordinance (memorandum dated June 18, 2007). With the recommended conditions, the proposed use conforms to all applicable requirements and regulations of this Subtitle.

Staff notes that the final determination on the number of students permitted is made by the county's Child and Family Services Division of the Department of Social Services.

**(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 property is located in an area identified in the 2002 General Plan as the Developing Tier. The vision of 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 1993 Subregion VI Study Area Master Plan and the 1994 Sectional Map Amendment for the Subregion VI Study Area Master Plan classified the subject property as rural land use. A day care center use is permitted with a special exception. Since the proposed day care center will be located in an existing residential structure, it will not impact the rural land use character of the neighborhood and will conform to the land use recommendations of the master plan. With the proposed conditions, the proposed day care center will not substantially impair the integrity of the master plan. The Community Planning Division has stated that the proposal is consistent with the General Plan and master plan (memorandum dated July 25, 2007).

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

The Transportation Planning Section has concluded that the subject special exception will not negatively impact the health, safety and welfare of the community (memorandum dated July 17, 2007).

**(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 have concluded that the existing public facilities are adequate to serve the proposed day care (memorandum dated June 19, 2007). The proposed use of the subject property as a day care center will be compatible with the rural land use character of the neighborhood and will provide quality child care in the neighborhood.

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

The proposal is exempt from the Woodland Conservation Ordinance because the property contains less than 10,000 square feet of woodland on site and there are no previously approved tree conservation plans associated with this property. The section issued a standard letter of exemption on June 5, 2007.

**CONCLUSION**

Based on the preceding analysis and findings, it is recommended that Special Exception SE-4567 be APPROVED subject to the following conditions:

Prior to the Zoning Hearing Examiner's hearing, the site plan shall be revised to show the following:

1. A note stating that the existing building will no longer be used as a residence once it is converted to a day care center for 75 children.
2. 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.
3. A note stating that the proposal is exempt from the requirements of the *Landscape Manual* according to Section 27.328.02 (a) of the Zoning Ordinance.
4. A note stating that the existing building will not be enlarged or extended.
5. A note stating that the proposed retaining walls and the three-foot-high chain-link fence on the retaining walls will not project more than six feet above grade along the property lines.
6. A note stating that an automatic fire suppression system shall be provided for all buildings.
7. Details of the proposed five-foot-high fence to make it sight-tight.
8. Setback for the proposed sign from the ultimate right-of-way line.
9. The color, height, materials and illumination for the words "Osborne Day Care Center."
10. A note stating that the light for any illuminated sign shall be shaded, shielded, or directed so that the light intensity does not adversely affect surrounding areas.
11. A note stating that signs which flash or blink, or which have varying intensity of illumination on less than a five second cycle, are prohibited.
12. A note stating that the illumination or glow from a sign shall not shine directly onto a street so as to constitute a hazard to motorists.
13. A note stating that the play area shall only be used during daylight hours.

