



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

SPECIAL EXCEPTION

SE-4601

Application	General Data
Project Name: ROSE CHILD DEVELOPMENT CENTER, INC. Location: LOCATED AT THE SOUTHSIDE OF FISHER ROAD APPROXIMATELY 175 FEET WEST OF CARROLL DRIVE Applicant/Address: SANAA AL SHAMKHANI 5752 FISHER ROAD TEMPLE HILLS, MARYLAND 20748	Date Accepted: 5/9/2007
	Planning Board Action Limit: N/A
	Plan Acreage: 0.2696
	Zone: R-80
	Dwelling Units: N/A
	Square Footage: 1540
	Planning Area: 76B
	Tier: Developed
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 208SE03

Purpose of Application	Notice Dates
CHILD CARE CENTER FOR 40 CHILDREN	Adjoining Property Owners Previous Parties of Record Registered Associations: 2/15/2007 (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

September 5, 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. 4601**

REQUEST: **Day Care Center for 40 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 south side of Fisher Road, approximately 175 feet west of Carroll Drive, known as 5752 Fisher Road. There is an existing split-level single-family residence and a shed on the property. The existing single-family residence is being used as a family day care center. The property has 75 feet of frontage on Fisher Road. Vehicular access to the property is from Fisher Road.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Single-family Residential	Daycare
Acres	0.27 acres	0.27
Lots	N/A	N/A
Parcels	1	1
Square Footage/GFA	1,540 sq.ft.	1,540 sq.ft.

- C: **History:** The 2006 approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment retained this property in the R-80 Zone.
- D. **Master Plan Recommendation:** The property is located in an area identified in the 2002 General Plan as the Developed Tier. The vision of the Developed Tier is pedestrian-oriented, mixed-use neighborhoods. The 2006 Approved Henson Creek-South Potomac Master Plan and SMA recommended residential, low-density land uses for the subject property and retained the property in the R-80 Zone. Since the proposed day care center will be located in an existing residential structure, it will not impact the scale and character of the neighborhood and will conform to the land use recommendations of the Master Plan.
- E. **Request:** The applicant proposes to use the existing single-family residence for a day care center for 40 children. The existing single-family residence is 1,477 square feet and the existing shed is 63 square feet. The existing single-family residence is being used as a family day care center. Once the existing building is converted to a day care center for 40 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 the existing driveway. Parking is proposed in the front yard. A play area is proposed in the rear yard on the south side of the property. Access to the play area is from the existing building. The play area will be 30 feet by 60 feet (1,800 sq.ft.) with a four-foot-high fence. The existing shed will remain. The day care hours are from 6:30 a.m. to 6:30 p.m. and the play area hours are from 7:00 a.m. to 9:00 p.m. Five parking spaces are proposed for the day care center.
- F. **Neighborhood and Surrounding Uses:** The subject property is located in a neighborhood defined by the following boundaries:
- Saint Barnabas Road on the north and west
 - Temple Hill Road on the east
 - Brinkley Road on the south

The property is surrounded with the following uses:

North—Fisher Road and single-family residences in the R-80 Zone across from Fisher Road

South—Henry Drive and single-family residences in the R-80 Zone across from Henry Drive

East—Single-family residence in the R-80 Zone

West—Single-family residence in the R-80 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 40 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:

$$40 \times 75 \times 0.5 = 1,500 \text{ square feet}$$

The applicant has provided 1,800 square feet of play area. The proposed play area exceeds the minimum play area requirement for 50 percent 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.**

The proposed play area is located more than 25 feet from the dwellings on adjacent properties. Access to the play area is from the existing building. The applicant is proposing a four-foot-high fence to enclose the play area. The applicant has not indicated the type of fence to be proposed. 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 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.**

There are no trees around the play area to sufficiently shade the play area. 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 between 7:00 a.m. and 9:00 p.m.

- (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. 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.

- G. **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=
5 spaces for 40 children.

Parking provided=5 parking spaces

The applicant provides the required amount of parking.

- 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:** 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*.

Since the applicant is proposing only internal modifications, the proposal is exempt from the requirements of the *Landscape Manual*.

- J. **Sign Regulations:** No new signs are proposed for the subject development. There are no existing signs shown on the property.

- 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. The applicant has not shown the setbacks for the existing shed. 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. **Referral Comments:**

1. The Permit Review Section (memorandum dated May 23, 2007) recommends verifying compliance with the various requirements of the Zoning Ordinance. Conditions of approval have been added to require minor changes to the site plan for compliance with the Zoning Ordinance.
2. The Subdivision Section (memorandum dated August 29, 2007) states that the subject property was originally platted in 1986 as Lots 15 and 16, Resubdivision of Outlot D of the Addition to Andre Subdivision (Plat Book 128, Plat 38). The lot pattern shown on the subject application is consistent with the record plat. Since no new square footage is proposed, the site is exempt from Subdivision requirements.

3. The Historic Preservation and Public Facilities Planning Section (memorandum dated May 11, 2007) states that the subject proposal has no effects on historic resources.
4. The Historic Preservation and Public Facilities Planning Section (memorandum dated May 31, 2007) states that the existing engine service and ladder truck service do not meet the travel time guidelines. The Section recommends an automatic fire suppression system all proposed buildings. A condition of approval has been added to require the same. The existing paramedic and police facilities will be adequate to serve the proposed day care center.
5. The Environmental Planning Section (memorandum dated May 16, 2007) states that the proposal is exempt from the Woodland Conservation Ordinance.
6. The Urban Design Review Section (memorandum dated June 4, 2007) states that the proposal is exempt from the requirements of the *Landscape Manual*. The section has stated that information regarding shade for the play area and details of the proposed fence must be provided. Conditions of approval have been added to require the same.
7. The Community Planning Division (memorandum dated June 20, 2007) states that the property is located in an area identified in the 2002 General Plan as the Developed Tier. The vision of the Developed Tier is pedestrian-oriented, mixed-use neighborhoods. The 2006 Approved Henson Creek-South Potomac Master Plan and SMA recommended residential, low-density land uses for the subject property and retained the property in the R-80 Zone. Since the proposed day care center will be located in an existing residential structure, it will not impact the scale and character of the neighborhood and will conform to the land use recommendations of the Master Plan.
8. The Transportation Planning Section (memorandum dated June 6, 2007) states that the proposed use will generate a total of 32 AM and 33 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 11 a.m. and 11 p.m. peak-hour trips. The intersections in the vicinity of the subject property operated acceptably under existing and future traffic. Although access onto Fisher Road from the site is approvable, the driveway is along a collector roadway between two 90-degree turns, approximately 200 feet from one and 140 feet from the other. To serve a use of this type with increased trip generation over the existing residence, Fisher Road should be widened in front of the site to provide a left-turn bypass lane and acceleration/deceleration lanes. This recommendation should be carried forward unless it is determined by the county Department of Public Works and Transportation that the existing access is safe for this use at this location and that additional widening along Fisher Road in front of the site is not needed. A condition of approval has been added to require the same.
9. The Transportation Planning Trails Section (memorandum dated June 4, 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 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. Once the existing building is converted to a day care center for 40 children, it will no longer be used as a residence. The proposed day care for 40 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.

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 Developed Tier. The vision of the Developed Tier is pedestrian-oriented, mixed-use neighborhoods. The 2006 Approved Henson Creek-South Potomac Master Plan and SMA recommended residential, low-density land uses for the subject property and retained the property in the R-80 Zone. Since the proposed day care center will be located in an existing residential structure, it will not impact the scale and 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.

(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 has concluded that the existing public facilities are adequate to serve the proposed day care. The Transportation Planning Section has required some road improvements for adequacy of transportation services. With the proposed conditions, the proposed 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 subject property is exempt from the requirements of the Woodland Conservation Ordinance because the gross tract area is less than 40,000 square feet and there is less than 10,000 square feet of existing woodland. The Environmental Planning Section issued a standard letter of exemption on April 30, 2007.

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception SE-4601 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 existing building will no longer be used as a residence once it is converted to a day care center for 40 children.
 - b. 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.
 - c. A note stating that an outdoor shade structure for the play area shall be provided for sufficient shade during the warmer months.
 - d. A note stating that an automatic fire suppression system shall be provided for all buildings.
 - e. A note stating the maximum number of children to use the play area at a time.
 - f. Details of the proposed four-foot-high fence.
 - g. Setback for the existing shed.
2. Prior to the issuance of any use and occupancy permits to operate the day care facility within the subject property, the applicant shall provide a left-turn bypass lane along southbound Fisher Road and an acceleration/deceleration lane along northbound Fisher Road, with design to appropriate standards as determined by the county Department of Public Works and Transportation.