



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

SPECIAL EXCEPTION

SE-4624

Application	General Data
Project Name: Lil People U Day Care Center Location: North side of Oxon Run Parkway, approximately 315 feet east of Scott Key Drive Applicant/Address: Ajia Cooper 2401 Mary Place Fort Washington, MD 20744	Date Accepted: 08/26/2008
	Planning Board Action Limit: N/A
	Plan Acreage: 0.3074
	Zone: R-55
	Dwelling Units: N/A
	Gross Floor Area: 1,149 sq. ft.
	Planning Area: 75A
	Tier: Developed
	Council District: 07
	Municipality: N/A
	200-Scale Base Map: 203SE05

Purpose of Application	Notice Dates	
Day care center for 20 children in the R-55 Zone	Informational Mailing:	07/18/2008
	Acceptance Mailing:	08/26/2008
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: CYNTHIA FENTON	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

October 29, 2008

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

VIA: Jimi Jones, Zoning Supervisor

FROM: Cynthia Fenton, Planner Coordinator

SUBJECT: **Special Exception Application No. SE-4624**

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:

1. **Location and Field Inspection:** The subject property is a rectangular shaped lot located on the north side of Oxon Run Parkway, approximately 315 feet east of its intersection with Scott Key Drive in District Heights. The site, also known as 5910 Oxon Run Parkway, is improved with a one-story, 1,514-square-foot brick dwelling, a shed, carport, above-ground pool, and a 19-foot by 15-foot concrete slab located adjacent to the driveway. A four-foot-high chain-link fence is located along the northern and eastern property lines. A chain-link fence also separates the property from the adjacent school site to the west. Access is currently provided via a 10-foot-wide driveway from Oxon Run Parkway.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-55	R-55
Use(s)	Single-family dwelling	Day care center for 20 children
Acreage	0.3074	0.3074
Square Footage	1,514	1,514
Lots	1	1

3. **History:** The 1986 *Approved Master Plan and Adopted Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* retained the R-55 Zone for this site. The property is currently used as a single-family dwelling.
4. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1986 approved master plan and adopted sectional map amendment for Suitland-District Heights and vicinity. The property is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.
5. **Request:** The applicant is proposing the conversion of a 1,514-square-foot, single-family residence into a day care center for 20 children. The proposal includes the expansion of the existing 10-foot-wide driveway to a 22-foot-wide driveway, and the addition of a van-accessible handicap parking space. No additions to the main structure are proposed.
6. **Neighborhood and Surrounding Uses:** The applicant suggests the neighborhood is defined by the following boundaries:

North—	Walker Mill Road
South—	Marlboro Pike
East—	Silver Hill Road
West—	Weber Drive

Staff concurs with these boundaries. The neighborhood is residential in nature and includes single-family homes in the R-55 Zone, adjacent to the subject property to the east and north, and across Oxon Run Parkway to the south. Directly adjacent to the property to the west is Francis Scott Key Elementary School. Along the portion of Marlboro Pike included within these boundaries are single-family detached homes on the north side and commercial uses along the south side.

The site is surrounded by the following uses:

- North— Single-family detached dwelling in the R-55 Zone.
- South— Across Oxon Run Parkway, single-family detached dwelling in the R-55 Zone.
- East— Single-family detached dwelling in the R-55 Zone.
- West— Francis Scott Key Elementary School in the R-55 Zone.

7. **Specific Special Exception Requirements for a Day Care Center:**

Section 27-348.01(a) of the Zoning Ordinance

- (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 a proposed enrollment of 20 children, a total of 1,500 square feet is required for the play area to accommodate the full enrollment at one time. The applicant is providing a 1,775-square-foot play area.

- (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 35 feet from the nearest dwelling which is located on the adjoining lot to the east. The play area will be enclosed by a four-foot-high black, vinyl-clad, chain-link fence. The site plan does not indicate that the chain link is black vinyl clad; staff recommends the plan be revised to indicate this.

- (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;**

Staff finds that the existing setbacks are adequate given the nature of the surrounding uses. Oxon Hill Parkway is a short, secondary stub street that serves seven single-family dwellings. There is no vehicular access from Oxon Run Parkway to the adjacent elementary school. All the surrounding uses, with the exception of the school, are residential.

- (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 site plan shows four mature trees in the rear yard, including one within the proposed play area, which will provide adequate shade to the play area.

- (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**

The applicant is providing building-mounted lighting (existing) to illuminate the parking area and play area. Should any additional lighting be proposed, staff recommends that lighting details be provided prior to issuance of the use and occupancy permit. The details shall reflect that all lighting over six feet high will be shielded, full cut-off fixtures to minimize light spillage and glare.

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

Outdoor play will be limited to the hours between 10:30 a.m. to 11:00 a.m. and 2:30 p.m. to 3:30 p.m. as noted on the site plan.

8. **Landscape Manual Requirements:** The proposed use is exempt from the *Prince George's County Landscape Manual* per Section 27-328.02 of the Zoning Ordinance. That section states that special exceptions that do not require the construction, enlargement or extension of a building are not subject to Landscape Manual requirements. The applicant is not proposing any additional square footage over what currently exists.
9. **Sign Regulations:** The applicant has not indicated a freestanding sign is proposed for the use. Should a freestanding sign be proposed, its size, height and location must be in conformance with Part 12 of the Zoning Ordinance, and its location must be specified on the site plan prior to review by the Zoning Hearing Examiner.
10. **Referral Comments:** None of the referral comments indicated that there are any issues or that any negative impacts would occur as a result of the proposed day care center. The Department of Public Works and Transportation (DPW&T) is requiring frontage improvements for Oxon Run Parkway in accordance with their urban secondary residential road standards. They are also requiring a sidewalk along the property's frontage, and conformance with DPW&T street tree and street lighting specifications.
11. **Parking and Loading Requirements:** Section 27-568 (Schedule of Parking Spaces) of the Zoning Ordinance requires a total of three parking spaces for the day care use (one space for every eight children). The applicants are providing three parking spaces, including one handicap van-accessible space, as required. The driveway can accommodate two additional spaces; however, they cannot be counted toward the required parking as the Zoning Ordinance does not permit tandem parking for non-residential uses.

The site is exempt from loading requirements.

12. **Zone Standards:** The application is in conformance with all required setbacks and other zoning regulations. The calculations for lot coverage, however, while well below the maximum

permitted in the zone, appear to be inaccurate based on staff calculations. The maximum lot coverage allowed in the R-55 Zone is 30 percent; staff calculated the lot coverage at approximately 24.5 percent; the applicant calculated the lot coverage at 21.9 percent. The applicant shall recalculate the lot coverage for each individual structure, including parking, and provide the calculations on the site plan.

13. **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 general purposes of this subtitle are to protect the health, safety, and welfare of the community. The proposed uses and accompanying site plan are in harmony with the purposes of this subtitle. The conditions of approval will further ensure that the purposes of the subtitle are met.

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

The applicant has met all the applicable requirements and regulations.

(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.

This application is subject to the 1986 master plan for Suitland-District Heights and vicinity. The subject property is located within the R-55 Zone, which allows up to 4.7 dwelling units per acre. The use is compatible within the current zone and with the recommended medium-suburban residential land use. 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 received by staff from any of the referring agencies indicate that the proposed day care center will adversely affect the health, safety or welfare of residents or workers in the area. The proposed day care center is of modest size at a maximum enrollment of 20 children, and it is located at the end of a stub street. The Transportation Planning Section, in a memorandum dated October 17, 2008, found that the proposed use will not contribute to a significant increase in vehicular conflicts or a decrease in safety. The Permit Review Section, in a memorandum dated September 11, 2008, recommended that all parking areas are to be paved with a material that is dust free. The existing parking area is concrete. Staff recommends that a note be added to the site plan indicating the proposed parking area surface will be dust free.

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

In consideration of the transportation and other findings, staff finds the proposal for a day care facility will not pose unanticipated capacity or safety issues on adjacent roadways or any other

adverse impacts and thus, will not be detrimental to the use or development of adjacent properties or the general neighborhood.

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

This property is exempt from the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is less than 40,000 square feet in area and contains less than 10,000 square feet of woodland. A letter of exemption for the site, dated July 2008, is valid until 2010.

CONCLUSION:

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

1. Prior to issuance of the use and occupancy permit, the site plan shall be revised to indicate the following:
 - a. The play area fence material shall be black vinyl-clad chain link.
 - b. The proposed parking area surface will be dust free.
 - c. The lot coverage shall be recalculated for each individual structure, including the house, enclosed porch, shed and all parking areas, and be shown on the site plan.
2. Should any additional lighting be proposed, lighting details shall be provided on the site plan prior to review by the Zoning Hearing Examiner. The details shall reflect that all lighting over six feet high will be shielded, full cut-off fixtures to minimize light spillage and glare.
3. Should a freestanding sign be proposed, its size, height and location must be in conformance with Part 12 of the Zoning Ordinance and its location must be specified on the site plan prior to review by the Zoning Hearing Examiner.