



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

## Special Exception Application No. 4496

Application	General Data
<b>Project Name:</b> Latchkey Day Care Center  <b>Location:</b> North side of Owens Road, approximately 200 feet west of Wheeler Road, known as 2408 Owens Road.  <b>Applicant/Address:</b> Rochell Talley 15500 Croom Airport Road Upper Marlboro, Maryland 20772	Date Accepted: 2/14/05
	Planning Board Action Limit: N/A
	Plan Acreage: 1.25
	Zone: R-R
	Dwelling Units: N/A
	Square Footage: 5,600
	Planning Area: 76A
	Tier: Developed
	Council District: 07
	Municipality: N/A
	200-Scale Base Map: 207SE03

Purpose of Application	Notice Dates
Day Care Center for 100 Children	Adjoining Property Owners Previous Parties of Record Registered Associations: 8/11/04 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: N/A

Staff Recommendation		Staff Reviewer: Evelyn Kasongo	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

October 17, 2005

**TECHNICAL STAFF REPORT:**

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Evelyn Kasongo, Senior Planner

SUBJECT: **Special Exception Application No. 4496**

REQUEST: **Establishment of a day care center for 100 children**

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 Owens Road, 200 feet west of Wheeler Road. It is a narrow, 124-foot-wide, rectangular-shaped parcel developed with a one-story, brick single-family home. An existing concrete residential driveway off Owens Road services the house. The property consists of irregular terrain toward the rear where several existing sheds are located.

- B. Development Data Summary:

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-R	R-R
Use(s)	Single-Family dwelling	Daycare Center
Acreage	1.25	1.25

- C. History: Special Exception 4048 was approved with conditions on August 28, 1992, for establishment of a 40-child day care center. Due to financial problems, the applicant could not complete the conditions of approval. This application is for the establishment of a day care center for 100 children.
- D. Master Plan Recommendation: This application conforms to the land use recommendations of the 2000 approved master plan and sectional map amendment for the Heights and vicinity (Planning Area 76A). 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.
- E. Request: Establishment of a 100-child day care center.
- F. Neighborhood and Surrounding Uses: The neighborhood is described as being bounded on the north by Iverson Street, Wheeler Road to the east, Owens Road to the south, and Woodland Road to the west. The neighborhood is residential in nature with single-family homes having been constructed in the R-55 and RR Zones. Across the street from the property is Barnaby Manor Elementary School, located on R-55-zoned property.
- 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 outdoor play area proposed is 4,050 square feet in area, in compliance with the minimum required 75 square feet of outdoor play area for 50 percent of the 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 play area will be located at a distance greater than 25 feet from any dwelling on adjoining lots and will be enclosed by a six-foot-tall fence.

- (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;**

- (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;**

No off-premise outdoor play or activity area is proposed for this application.

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

Plant materials on the site plan will be sufficient enough 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 10 a.m. to 11:30 a.m. and from 3 p.m. to 4p.m.

H. *Landscape Manual* Requirements: This application is subject to conformance with Sections 4.2, 4.3, and 4.7 of the *Landscape Manual*. This case was approved in August 1992 for alternative compliance, AC-92035.

I. Sign Regulations: No freestanding sign is proposed for the subject property. Any sign that will be placed on the property must meet all area, height and setback requirements.

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 plans are not in harmony with the purposes of the subtitle. The site plan must be revised to conform with the approved alternative compliance AC-92035 in order to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county.

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

The proposed use must meet all requirements of the *Landscape Manual* in terms of buffering, landscaping, planting, etc., in order to be in conformance with all the applicable requirements and regulations of this Subtitle. No variances, waivers or departures are necessary to implement this proposed special exception.

**(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 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 presumed to be compatible with the zone in which it is permitted, absent specific findings to the contrary. 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.

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

Transportation staff has indicated that the 100-child day care center appears to have sufficient site circulation for cars to park while the children disembark from the incoming vehicles. Staff has identified the intersection of MD 414 and Wheeler Road to be the closest major intersection to this proposed development. If all the traffic from the subject property were to pass through the MD 414/Wheeler Road intersection, the additional 17 AM and PM peak-hour trips will only exacerbate the already failing intersection. It does appear, however, that only a few of the additional trips will pass through this intersection, and consequently, will have only a marginal impact at that intersection. Hence, transportation staff concludes that the net effect of the proposed facility on an already failing intersection would be marginal at worst and that approval of the subject application would not negatively impact the health, safety and welfare of the community.

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

Barnaby Manor Elementary School is located across the street from the subject property. The increased traffic created by the 100-child day care center, along with the AM and PM traffic generated from the school and adjacent properties, will not have a detrimental impact 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.**

The site is exempt from the Prince George's County Woodland Conservation and Tree Preservation Ordinance because it contains less than 40,000 square feet of area and does not have a previously approved tree conservation plan.

**CONCLUSION:**

Based on the preceding analysis and findings, staff is recommending that the approved day care center for 40 children be APPROVED with the following conditions:

1. The required and provided setbacks shall be included in the site data information.
2. The existing and/or proposed right-of-way shall be provided on the site plan.
3. The site plan must demonstrate that the proposed structure will be handicap accessible by demonstrating a depressed curb or ramp.
4. Interior drawings shall be provided demonstrating the use of each structure, so that it is clear as to the use of each structure and the square footages.
5. The parking data shall include the number of standard, handicap and compact parking spaces.
6. The height of the existing and proposed structure must be provided on the site plan.
7. A tree conservation plan or exemption letter must be provided.
8. The *Landscape Manual* requirements shall be corrected to reflect the findings of the alternative compliance.
9. The stockade wood fence shall be revised to indicate a board-on-board fence and details added to the plans.
10. On the landscape plan, "Vancity Map" shall be corrected to read "Vicinity Map."
11. The height of the proposed fence shall be provided on the site plan.