



*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

**SE-4498**

Application	General Data
<b>Project Name:</b> Rainbow Academy Child Care  <b>Location:</b> East side of Steeds Grant Way, south of its intersection with Allentown Road and Steed Road, known as 4100 Steeds Grant Way.  <b>Applicant/Address:</b> Kim T. Mitchell 8500 Allentown Road Fort Washington, Maryland 20744	Date Accepted: 1/18/05
	Planning Board Action Limit: NA
	Plan Acreage: 1.00
	Zone: R-E
	Dwelling Units: NA
	Square Footage: 6,120
	Planning Area: 81B
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 212SE03

Purpose of Application	Notice Dates
Day Care Center for Children (90)	Adjoining Property Owners Previous Parties of Record Registered Associations: 12/18/04 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: NA

Staff Recommendation		Staff Reviewer: Laxmi Srinivas	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

September 7, 2005

**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. 4498**

REQUEST: **Day Care Center for 90 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 east side of Steeds Grant Way, south of its intersection with Allentown Road and Steed Road, known as 4100 Steeds Grant Way. The property is improved with an existing one-story residence and a one-story building of 1,120 square feet. The existing building is at present being used as a residence and a family day care. The applicant proposes to convert the existing building to an administrative building. A single-story addition consisting of 5,000 square feet is proposed at the rear of the existing single-family house for a day care center for 90 children. The property has 75 feet of frontage on Steeds Grant Way. Vehicular access to the property is from Steeds Grant Way.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-E	R-E
Use(s)	Single-family Residential Family Day Care	Daycare
Acreage	1.0	1.0
Lots	N/A	N/A
Parcels	1	1
Square Footage/GFA	1,120	1,120 + future addition (5,000) = 6,120

- C. **Master Plan Recommendation:** The 1993 Subregion V Master Plan recommends suburban residential uses and retains the property in the R-E Zone.
- D. **Request:** The applicant proposes to use the existing building and the proposed addition for a day care center for 90 children. The existing building is 1,120 square feet, and the proposed future addition is 5,000 square feet. The existing building has been used as a residence and a family day care center for 12 children since 1996. Once the existing building is converted to an administrative building, it will no longer be used as a residence. Access to the building is through a proposed 22-foot-wide driveway. Parking is proposed in the front yard. A play area is proposed in the northeast corner of the property. Access to the play area is from the proposed day care center building. The site plan incorrectly indicates that the proposed enrollment is 96 children. A condition of approval has been added to require the applicant to indicate the correct enrollment of 90 children.
- E. **Neighborhood and Surrounding Uses:** The property is surrounded with the following uses:
- North—Open Space/Parkland in the R-R Zone
  - South—Open Space/Parkland in the R-R Zone
  - East— Open Space/Parkland in the R-E Zone
  - West— Open Space/Parkland in the R-R Zone and Steeds Grant Way and single-family residence in the R-E Zone across from Steeds Grant Way.

The neighborhood is bounded by Allentown Road and Steed Road on the north, Piscataway Road on the east and south, and Old Fort Road and Gallahan Road on the west.

- F. **Specific Special Exception Requirements:** A day care center for children is permitted in the R-E Zone as a special exception. **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 90 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:

$$90 \times 75 \times 0.5 = 3,375 \text{ square feet}$$

The applicant has provided 7,429 square feet of play area. Based on the standard of 75 square feet per child, the maximum number of children that can be accommodated in the proposed play areas is:

$$7,429 / 75 = 99$$

A play area of 7,429 square feet is sufficient to accommodate a total enrollment of 99 children. Therefore, the size of the proposed play area is more than adequate to accommodate the total enrollment of 90 children.

- (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. The applicant is proposing a four-foot-high, chain-link fence to enclose the play area. Access to the play area is from the existing building. A board-on-board, sight-tight fence will be more suitable to enclose the play area because it will completely enclose the play area and prevent the children from wandering into the parking lot and other areas. A condition of approval has been added to require the same.

The applicant has provided a gate so that the play area 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. 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 site plan shows existing vegetation throughout the property, including several trees around the play area. The applicant will be providing mulch within the play areas. 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 (8:00 a.m. to 4:00 p.m.).

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

The applicant has indicated that the play area will only be used during daylight hours (8:00 a.m. to 4:00 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. A condition of approval has been added to add notes to the site plan stating the correct enrollment.

**G. Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every eight (8) 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= 12 spaces for 90 children.

Parking provided=12 parking spaces

**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—Landscaping, Buffering and Screening:**

**Section 27.328.02(a)** 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*.

The applicant is proposing an addition to the existing building. Therefore, the proposal is subject to the requirements of Section 4.2 and Section 4.7 of the *Landscape Manual*. The site plan does not include correct landscape schedules that show compliance with the landscape bufferyard and setback requirements of Section 4.2 and Section 4.7 of the *Landscape Manual*. A condition of approval has been added to require the same. The ultimate right-of-way line along Steeds Grant Way has not been shown. A condition of approval has been added to require the same so that the location of the ten-foot-wide landscape strip for compliance with Section 4.2 of the *Landscape Manual* can be determined.

**J. Sign Regulations:** There are no existing signs on the property and the applicant is not proposing any signs. The applicant should be aware that a freestanding sign requires a sign permit. In addition, the location of the sign must be shown on the site plan. If at a later date the applicant decides to provide a sign, a revision of site plan would be required to make the special exception plan up-to-date.

**K. Zone Standards:** A day care center is permitted in the R-E 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. 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-E Zone.

**L. Other Issues:**

1. The Permit Review Section (memorandum dated February 17, 2005) recommends the addition of notes regarding the proposal details, correct size, and number of parking

spaces, and the addition of correct landscape schedules. Conditions of approval have been added to require these minor changes to the site plan.

2. The Subdivision Section (memorandum dated February 2, 2005) states that the subject property is consistent with Plat 125-31.
3. The Historic Preservation and Public Facilities Planning Section (memorandum dated June 9, 2005) states that archeological sites are not known to exist on the subject property but an archeological survey may be required by state and federal agencies.
4. The Historic Preservation and Public Facilities Planning Section (memorandum dated June 9, 2005) states that the existing fire engine service and ambulance service is within the travel time guidelines. The existing ladder service is beyond the travel time guidelines. The existing ladder service will be within the travel time guidelines if a ladder truck was located at Oxon Hill Company 32. The existing paramedic service is beyond the travel time guidelines. The existing paramedic service will be within the travel time guidelines if a paramedic is located at Oxon Hill Company 32. The existing police facilities will be adequate to serve the proposed daycare use.
5. The Environmental Planning Section (memorandum dated January 24, 2005) states that there are no floodplains or wetlands on the property and there are no noise issues. The proposal is exempt from the Woodland Conservation Ordinance.
6. The Urban Design Review Section (memorandum dated January 25, 2005) requires clarification regarding the proposed enrollment, the location of the adjacent buildings, and correct landscape schedules. Conditions of approval have been added to require the same.
7. The Transportation Planning Section (memorandum dated July 13, 2005) states that the proposed use will generate a total of 74 AM and 77 PM peak-hour vehicle trips. According to the Trip Generation Manual, 65 percent of peak-hour trips generated by a day care use may already be on the adjacent driveways. The proposed driveway and the location of the parking spaces are acceptable. Access to and circulation within the site are acceptable. Sight distance at the site entrance is adequate. The vehicle trips generated by this use would utilize the Allentown Road and Steeds Grant Way intersection. Since a portion of the day care center trips are already expected to be on the local roadways, any additional traffic generated by the special exception will not pose new capacity and safety issues in the immediate area. The section has concluded that the proposed special exception would not result in any significant transportation impacts to the transportation facilities within the immediate area of the subject site.

**M. 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 center for 12 children since 1996. Once the existing building is converted to a day care center for 90 children, it will no longer be used as a residence. The existing family day care was a permitted use as a home occupation and did not require a special exception. The proposed day care for 90 children requires a special exception. The subject property is located in the R-E 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.

**(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 1993 Subregion V Master Plan recommends suburban residential uses and retains the property in the R-E Zone. The proposal is consistent with the 2002 General Plan development policies for the Developing Tier.

**(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 and the Transportation Planning Section have concluded that the existing public facilities are adequate to serve the proposed day care. The applicant has not provided architectural elevations of the proposed day care building. A condition of approval has been added to require the applicant to submit architectural elevations so that they can be reviewed for compatibility with the surrounding residential neighborhood. The subject property is in the R-E Zone in a neighborhood consisting of single-family residences. Staff wants to ensure that the proposed architecture retains a residential character so that it is compatible with the adjacent properties.

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

The site is exempt from the county's Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland.



## CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception SE-4498 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 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 adults can easily operate it.
  - b. A note stating that an outdoor shade structure for the play area shall be provided for sufficient shade during the warmer months.
  - c. Notes stating the correct enrollment (90 children).
  - d. Lot coverage.
  - e. Building area and building height for all structures.
  - f. Building setbacks for all structures.
  - g. The ultimate right-of-way line along Steeds Grant Way.
  - h. The setback of the play area from the dwelling units on adjacent properties.
  - i. Correct landscape schedules that show compliance with the landscaping and setback requirements of the *Landscape Manual*.
  - j. A note stating the maximum number of children to use the play area at a time.
  - k. A four-foot-high, board-on-board, sight-tight fence for the play area.
  - l. Architectural elevations for the proposed building: The proposed architecture shall be residential in character so that it is compatible with the existing buildings on the site and the adjacent residential properties.
2. Prior to issuance of use and occupancy permits, the applicant shall:
  - a. Obtain an alternative compliance approval if the landscaping and setbacks required by the *Landscape Manual* cannot be provided.
  - b. Show the location of any proposed signs.
3. Prior to issuance of building permits for the proposed addition, the applicant shall obtain a letter of exemption from the Environmental Planning Section.