



*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-4507**

Application	General Data
<b>Project Name:</b> Renee's Day Care Center  <b>Location:</b> West side of Old Largo Road approximately 147 feet north of Chelsea Lane, known as 4801 Old Largo Road.  <b>Applicant/Address:</b> Renee Reid 4801 Old Largo Road Upper Marlboro, Maryland 20772	Date Accepted: 11/18/04
	Planning Board Action Limit: NA
	Plan Acreage: 1.60
	Zone: R-R
	Dwelling Units: NA
	Square Footage: 1,200
	Planning Area: 79
	Tier: Developing
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 207SE13

Purpose of Application	Notice Dates
Day Care Center for 25 children	Adjoining Property Owners Previous Parties of Record Registered Associations: 9/17/04 (CB-12-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 03/28/05

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

April 20, 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. 4507**

REQUEST: **Day Care Center for 25 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 west side of Old Largo Road and north of Chelsea Lane, known as 4801 Old Largo Road. The property is improved with a one-story building of 1,200 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 a day care center for 25 children. The property has 75 feet of frontage on Old Largo Road. Vehicular access to the property is from Old Largo Road.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R	R-R
Use(s)	Single-family Residential Family Day Care	Daycare
Acreage	1.64	1.64
Lots	N/A	N/A
Parcels	1	1
Square Footage/GFA	1,200	1,200

- C. **Master Plan Recommendation:** The 1993 Adopted and Approved Subregion VI Study Area Master Plan recommends low-suburban residential uses and retains the property in the R-R Zone.

- D. **Request:** The applicant proposes to use the existing building for a day care center for 25 children. No new construction is proposed. The existing building was being used as a residence and a family day care center for eight children for the past 11 years. Once the existing building is converted to a day care center for 25 children, it will no longer be used as a residence. Access to the existing building is through a proposed driveway. A parking lot is proposed in the front yard. A play area is proposed on the south side of the existing building. Access to the play area is from the existing building. The site plan incorrectly states that the maximum enrollment is 24. A condition of approval has been added to require the applicant to provide the correct enrollment (25).

- E. **Neighborhood and Surrounding Uses:** The property is surrounded with the following uses:

North—Single-family residence in the R-R Zone

South—Single-family residence in the R-R Zone

East—Old Largo Road and single-family residences in the R-R Zone

West—Vacant property in the R-U Zone

- F. **Specific Special Exception Requirements:** A day care center for children is permitted in the R-R 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 25 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 can be provided for 50 percent of the licensed capacity or 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:

$$25 \times 75 \times 0.5 = 937.5 \text{ square feet}$$

The applicant has provided 1,280 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:

$$1,280 / 75 = 17$$

Therefore, a maximum of 17 children can use the play area at one time. A condition of approval has been added to require a note stating the maximum number of children to use the play area at one time.

- (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 40 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 condition of approval has been added to require a gate for the play area 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 it can be easily operated by adults. 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 are substantially larger than the required setbacks. 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 one tree in the play area. The applicant will be providing landscaping consisting of groundcover and turf 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. A condition of approval has been added to require a note on the site plan stating the same.

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

The applicant provides that the proposed play area hours are approximately 10:00 a.m. to 10:30 a.m. and 3:00 p.m. to 3:30 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 proposed enrollment, the proposed hours of operation for the day care and the proposed play area hours.

- 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= 4 spaces for 25 children.

Parking provided=5 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 the proposal from compliance with the landscaping, buffering and screening requirements of the *Landscape Manual*, because the proposal does not involve the construction, enlargement or extension of a building. The applicant has however provided adequate landscaping to screen the subject property from adjacent properties.

- J. **Sign Regulations:** The site plan indicates there is an existing sign on the property. The sign meets the 10-foot setback from the street right-of-way. A sign permit was issued in January 2004. The applicant is not proposing any new signs on the property.

- K. **Zone Standards:** A day care is permitted in the R-R Zone by special exception. The site plan demonstrates conformance with the development standards of the R-R Zone. 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.

- L. **Other Issues:**

1. The Permit Review Section (memorandum dated December 6, 2004) recommends addition of notes regarding the proposal details, correct size of parking spaces, surface of the parking lot, a minimum 22-foot driveway and ramps for access to the building for the physically handicapped. Conditions of approval have been added to require these minor changes to the site plan.
2. The Department of Parks and Recreation (memorandum dated November 30, 2004) has stated that the proposal has no impacts on existing and future parkland.
3. The Subdivision Section (memorandum dated December 22, 2004) states that the proposal is exempt from the requirement to subdivide according to Section 24-107©(7)(B) of the Subdivision regulations. The property is consistent with the tax maps.
4. The Historic Preservation and Public Facilities Planning Section (memorandum dated December 22, 2004) has reviewed this Special Exception request and has concluded that the existing fire engine service, the ambulance service and the existing paramedic service are within the travel time guidelines. The existing ladder service is beyond the travel time guidelines. The existing police facilities will adequately serve the proposed development.
5. The Environmental Planning Section (memorandum dated November 29, 2004) has stated that a 100-year floodplain is present on the subject property. The soils on the

property are Bibb sandy loam and Sandy land steep. Marlboro Clay is found on the property. All these soil types have significant development limitations. There are no rare, threatened, or endangered species on the property. There are no scenic and historic roads in the vicinity of the property. The property is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier.

The applicant has submitted all the relevant information with respect to Forest Stand Delineation. The property is subject to the Woodland Conservation Ordinance because the gross tract area is more than 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. The proposal does not result in the disturbance of more than 5,000 square feet of woodland. Therefore, the site is exempt from the requirements of the Woodland Conservation Ordinance. A letter of exemption was issued by the Environmental Planning Section on September 17, 2004.

The subject property is located within a transportation-related noise impact zone associated with MD 202, Largo Road, a primary roadway with a projected 65dBA Ldn noise contour located approximately 181 feet from the centerline of the existing roadway. When MD 202 is realigned, the noise levels will be reduced to below state standards. No additional information with respect to noise impacts is required.

6. The State Highway Administration (memorandum dated December 2, 2004) has stated that the design of the proposed driveway must be coordinated with the Engineering Access Permits Division to determine a suitable alignment for ingress/egress consistent with the State Highway Administration Guidelines. A condition of approval has been added to require the same.
7. The Community Planning Division (memorandum dated December 15, 2004) states that the property is in the Developing Tier. The 1993 Adopted and Approved Subregion VI Study Area Master Plan recommends low-suburban residential uses and retains the property in the R-R Zone. The subject property is located in a Conditional Reserve Area. The Master Plan Guidelines state that development within the Conditional Reserve Area should be reviewed for adherence to regulations regarding physiographic constraints and natural processes of the land. Since no new development is proposed, compliance with this guideline is not an issue at this time.
8. The Transportation Planning Section (memorandum dated February 14, 2004) has stated that the proposed use will generate a total of 20 AM and 21 PM peak hour vehicle trips. Since there is an existing day care use on the property, no new trips are generated at this site. The proposed access to the property and circulation within the property are acceptable. The Section has concluded that the Special Exception would not adversely affect the health, safety, or welfare of residents or workers in the area. A 35-foot right-of-way dedication is required from the master plan centerline of MD 202 (Largo Road). A condition of approval has been added to require the same.
9. The Transportation Planning Section (memorandum dated December 21, 1004) has stated that the adopted and approved Subregion VI Master Plan designated MD 202 as a master plan bikeway. The bikeway is already accommodated on MD 202.

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 center for eight children for the past 11 years. Once the existing building is converted to a day care center for 25 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 25 children requires a special exception. The subject property is located in the R-R 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 Adopted and Approved Subregion VI Study Area Master Plan recommends low-suburban residential uses and retains the property in the R-R Zone. The proposed use of the property is compatible with the low-suburban residential uses recommended by the master plan. The subject property is located in a Conditional Reserve Area. The master plan guidelines state that development within the Conditional Reserve Area should be reviewed for adherence to regulations regarding physiographic constraints and natural processes of the land. Since no new development is proposed, compliance with this guideline is not an issue at this time. 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 proposed use of the subject property as a 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 property is subject to the Woodland Conservation Ordinance because the gross tract area is more than 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. However, the proposal does not result in the disturbance of more than 5,000 square feet of woodland. Therefore, the site is exempt from the requirements of the Woodland Conservation Ordinance. A letter of exemption was issued by the Environmental Planning Section on September 17, 2004.

## **CONCLUSION**

Based on the preceding analysis and findings, it is recommended that Special Exception SE-4507 be APPROVED subject to the following conditions:

Prior to certification, the site plan shall be revised to show the following:

1. The site plan shall be revised prior to the issuance of the Zoning Hearing Examiner's Hearing to include the following:
  - a. A gate for the proposed play area
  - 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 it. 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. Notes stating the proposed use of the building, the proposed enrollment, the proposed hours of operation and the proposed play area hours limited to daylight hours only.
  - e. Lot coverage
  - f. Building area and building height
  - g. Building setbacks
  - h. Outdoor play area calculations
  - i. Dimensions of the existing shed
  - j. Correct parking space sizes
  - k. A note stating the type of surface for the proposed parking

- l. A note stating that the surface of the accessible parking space shall be firm and stable to meet the requirements of the Maryland Accessibility Code
  - m. A minimum 22-foot driveway. If the driveway narrows to 20 feet, a Departure from Design Standards application shall be submitted.
  - n. A ramp from the handicapped accessible parking space to the building
  - o. A note stating that the maximum number of children to use the play area at a time is 17.
2. Prior to issuance of building permits, the applicant shall coordinate the design of driveway with the Engineering Access Permits Division of the State Highway Administration to determine a suitable ingress/egress consistent with the State Highway Administration Guidelines.
3. Prior to issuance of building permits, the applicant shall dedicate a 35-foot- right-of-way from the master plan centerline of MD 202 (Largo Road).