



*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. 4510

Application	General Data
<b>Project Name:</b> Loving 2 Learn Day Care Center  <b>Location:</b> South side of Good Luck Road, approximately 500 feet west of Sora Lane, known as 5507 Good Luck Road.  <b>Applicant/Address:</b> Rochanne Woodland 5507 Good Luck Road Riverdale, Maryland 20737	Date Accepted: 12/3/04
	Planning Board Action Limit: N/A
	Plan Acreage: 0.60
	Zone: R-80
	Dwelling Units: N/A
	Square Footage: 26,284
	Planning Area: 69
	Tier: Developed
	Council District: 03
	Municipality: Riverdale Park
	200-Scale Base Map: 208NE05

Purpose of Application	Notice Dates
Day Care Center for 40 Children	Adjoining Property Owners Previous Parties of Record Registered Associations: 9/23/04 (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		

May 12, 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: Evelyn Kasongo, Senior Planner

SUBJECT: **Special Exception Application No. 4510**

REQUEST: **Establishment of a Day Care Center for 40 Children on Subject Property**

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 improved with a one- and one-half story single-family detached dwelling fronting on Good Luck Road, within the municipality of Riverdale Park. The terrain of the property is flat with trees surrounding the site. A gravel driveway located off Good Luck Road leads to the subject property. The play area is fenced in; however, the entire property itself does not have a fence surrounding it.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80	R-80
Use(s)	Day Care Center	Day Care Center
Acreage	85.07	85.07
Square Footage/GFA	26,284	26,284

- C. **History:** The neighborhood includes a mixture of single-family attached, single-family detached, and commercial uses along Kenilworth Avenue and East West Highway. The community also includes several community facilities including churches, schools and a natural park reserve.
- D. **Master Plan Recommendation:** The approved master plan for Bladensburg-New Carrollton and vicinity, dated May 1994, recommends Low Suburban land use for the subject property, which is consistent with the proposed use. This proposal is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. The vision for the Developed Tier is a network of sustainable transit supporting, mixed-use, pedestrian-oriented, and medium- to high-density neighborhoods.
- E. **Request:** The applicant desires to establish a day care center for 40 children. The subject property is not proposed to be used for a residence.
- F. **Neighborhood and Surrounding Uses:** Surrounding uses include churches with R-80 zoning, a single-family detached home zoned R-R, and Greenbelt National Park. The neighborhood is defined by the following boundaries:

North:	Good Luck Road
South:	East West Highway/MD 410
East:	Kenilworth Avenue
West:	Baltimore Washington Parkway

- G. **Specific Special Exception Requirements:** Section 27-348.01 provides for the following specific requirements for the approval of a day care center:
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 1,700 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 outdoor play area is proposed to be located a minimum of 25 feet from a dwelling on an adjoining lot, and will be enclosed by a four-foot high chain link 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;**

A 25-foot setback from adjoining properties will adequately serve the proposed request. Likewise, a four-foot-high fence will be sufficient in meeting the needs of 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-premises outdoor play areas proposed.

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

Shade will be provided within the outdoor play area by several existing mature deciduous trees, as well as the additional proposed planting.

- (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 outdoor play area will only be used during daylight hours.

- (g) **Outdoor play shall be limited to the hours between 7a.m. and 9p.m.**

Outdoor play will be limited between the operating hours of 7 a.m. and 9 p.m.

- H. **Landscape Manual Requirements:** This proposal is exempt from the landscaping, buffering, and screening requirements of the Landscape Manual per Section 27-328.01 of the Zoning Ordinance.
- 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 proposed day care center for children is in harmony with the purposes of the Zoning Ordinance (Section 27-102(a)) in that the day care center will provide an alternative to residents and workers in the area for provision of day care for their children. The property is developed in such a manner as to provide a large back yard with a play area in the interior of the site away from the street and partially screened from the street by the existing dwelling on site.

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

The proposed use and accompanying site and landscape plan are not in conformance with all the applicable requirements and regulations of the Zoning Ordinance. Parcel 34 is not consistent with the 1982 Tax Map. A condition of approval of this application is provision of the deed. Based on the findings, a subdivision plat may be required.

- 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 conforms to the land use recommendations of the 1994 Bladensburg, New Carrollton and Vicinity Master Plan and Sectional Map Amendment for suburban-residential land use.

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

The proposed use would generate a total of 32 AM and 33 PM peak-hour vehicle trips. Any additional traffic generated by this request will not pose new capacity issues in the immediate area or at nearby intersections.

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

The proposed use will not result in significant changes to the residential character of the subject property. The only physical changes to the site will be the addition of five off-street parking spaces, including a walkway to the building, expanded fencing to the existing

outdoor play area, and widening of the existing driveway. No objections from neighboring municipalities have been raised.

**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 play area and does not have a previously approved Tree Conservation Plan.

**CONCLUSION:**

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

1. The location and use of all buildings located on adjoining lots must be provided on the site plan in accordance with Section 27-348.01 (b)(2) of the Zoning Ordinance.
2. The gross floor area of the building must be provided on the site plan.
3. The method of identifying the parking space for the physically handicapped must be provided on the site plan.
4. A note should be added to the site plan stating that only 50 percent of the enrollment at the school shall be permitted in the outdoor play area at one time.
5. The deed must be provided, due to the fact that Parcel 34 is not consistent with the 1982 Tax Map. A subdivision plat may be required, based on the findings.