



**Espiraes Montessori Bilingual, LLC**

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Date: February 4, 2023

To: Prince George's County Planning Board

From: Claudia T Simasek, Owner Espiraes Montessori Bilingual LLC

Subject: Statement of Justification: Special Exception to Zoning Ordinance for a childcare facility

Dear Chairman Shapiro and members of the Planning Board,

I have been a certified Montessori teacher since 2012 and a licensed childcare provider in Maryland since 2017, when I opened Espiraes Montessori Bilingual as a home daycare. In addition to applying the Montessori method in our learning environment, I provide bilingual (Spanish/English) education to infants and children from three months to four years of age.

For the past six years, I have been happy to help many children learn and grow. However, there is such a need for childcare in our area that Espiraes' waitlist has grown beyond its licensed capacity. I have had to inform many local families seeking slots that we don't have space for their little ones.

For many years, it has been my dream to open a small childcare center. When I learned my neighbors who had recently purchased the home 7207 Hitching Post Ln across the street from me were willing to lease it for our home daycare, I was excited for the opportunity to grow Espiraes in my own neighborhood and continue to serve the same families currently enrolled and additional ones on our waitlist.

Since the property is zoned RSF-95, in accordance with Section 27-3604(c) of the zoning ordinance, we are submitting this application for a special exception to allow for a day care center for children, which may be permitted according to the requirements of under Section 27-5402(x). The building will not be used as a residence concurrently with our leasing it for the daycare, but we will be careful to ensure the proposed nonresidential use conforms to and supports the goals of the approved Master Plan for Planning Area 68.

The owners of 7207 Hitching Post Ln own adjacent homes at 7209 Hitching Post and 3309 Gumwood Dr. My husband and I, the prospective lessees, live within eyesight at 3304 Gumwood Dr. We all share an interest in working collectively to ensure the property is well maintained, safe, and compatible with the surrounding neighborhood.

Visually, the property will retain the same residential character as it currently has. There will be no exterior signage or alterations to the building. Should the application for the special exception be approved, the only exterior changes to the property will be to install a fence to provide an enclosed 5,000 square foot outdoor play space in conformance with Section 27-5402(x), replace the gravel driveway with a paved ADA-compliant parking space, and install an entrance ramp to make the building accessible to people with disabilities.

The proposed fence will be inside the property line so that it's no less than 25 feet from neighboring homes, as required. It will be 4 feet in height with 2 ½ inch gaps between the panels and the material will be pressure-treated wood, stained a natural color. The yard where the



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outdoor play area will be located has a gradual slope and is bordered by trees, providing shade during the hot summer months. We will leave all existing live trees in place.

Our hours of operation are Monday to Friday, 7:30 AM to 5 PM and the outdoor play space will only be used during daylight hours. Although infants and children make noise, we strive to provide a calm, quiet environment, not only to be respectful of our neighbors, but to encourage the children to develop mindfulness and peace, which is central to the Montessori Method.

We are proposing an enrollment capacity of 16 children under the supervision of three adults, though the actual enrollment at any given time may be less than 16 to comply with the minimum staffing levels for mixed age groups under COMAR 13A.16.08. The childcare space will be entirely on the first floor, which has a total area of 966 square feet. Per COMAR 13A.16.05.03, the minimum square footage per child for childcare centers is 35 feet. With a capacity of 16, this facility would provide at least 60.4 square feet of floor space per child.

Hitching Post Lane is a cul-de sac, adjoining Gumwood Dr. 7207 Hitching Post currently has 468 square feet of off-street parking, which aligns with the requirement of Section 27-6305 for at least one parking space per ten children of enrolled capacity. Hitching Post Ln and Gumwood Dr also have unrestricted on-street parking. Our home at 3304 Gumwood is only 100 feet from 7202 Hitching Post Ln, so daycare staff will park on the street in front of our home to ensure there is sufficient space for parents.

Parents will drop off their children between 7:30 and 9 AM and will pick them up between 4 and 5 PM. Different family schedules result in staggered pickup and drop off, so although there may be multiple families arriving at the same time, usually it's spread out over the course of an hour. After picking up or dropping off their children, parents or guardians in vehicles will turn around either in the driveway or the cul-de-sac and pull back out onto Gumwood Dr. Families living in our neighborhood with children enrolled in Espiraes often choose to walk or bike to the daycare, reducing the amount of vehicular traffic.

We seek to continue to serve families in our neighborhood and surrounding areas with high-quality childcare, which is in high demand in our area. By leasing the residential property at 7207 Hitching Post for use as a small neighborhood childcare center, we will be able to better meet this need. With your approval of this application, Espiraes will continue to provide excellent childcare and educational services to families in our area and expand our capacity to meet the growing needs of the community. Please do not hesitate to contact me with questions.

Thank you for your consideration,

Claudia Simasek

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## **Compliance with Applicable Regulations**

### **Section 27-5402(x)**

#### **Day Care Center for Children**

(1) A day care center for children may be permitted, subject to the following:

(A) 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;

(B) An ample outdoor play or activity area shall be provided, in accordance with the following:

- (i) 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;

**Response: The proposed play area is 5,000 square feet, which amounts to 312.5 square feet per child.**

- (ii) 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;

**Response: The proposed play area fence will be at least 25 feet from adjacent dwellings, built from stained, pressure treated lumber, and 4 feet in height.**

- (iii) 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;
- (iv) 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;

**Response: No off-premises outdoor play area is proposed.**

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

**Response: The play area is bordered by a row of trees to the east and a large silver maple canopy tree to the west, and has several smaller trees within it, providing ample shade.**

- (vi) 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; and



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

**Response: The play area will only be used in the daylight within the hours of operation of the daycare – between 7:30 AM and 5 PM.**

**(C)**

In the CGO, CS, IE, and IH zones, a special exception for a day care center for children shall be allowed only if the Council finds that existing development and uses in the neighborhood (particularly on adjacent properties) will not adversely affect the proposed use.

**Response: Not Applicable – zone is RSF-95.**

**(2)** In addition to the requirements of Section [27-3604\(c\)](#), Special Exception Submittal Requirements, the site plan shall show:

**(A)** The proposed enrollment;

**Response: Shown on the Site Plan- proposed enrollment is 16 children.**

**(B)** The location and use of all buildings located on adjoining lots; and

**Response: Shown on site plan – all adjoining lots have residential use.**

**(C)** The location and size of outdoor play or activity areas.

**Response: Shown on site plan**

### **Section 3604(e) Required Findings**

A special exception may only be approved if:

**(A)** The proposed use and site plan are in harmony with the purpose of this Subtitle;

**Response: We have demonstrated the proposed use of a small childcare facility is in harmony with the purposes of the zoning ordinance in particular *by promoting the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County, while protecting the established character of residential communities and neighborhoods*. The population of our area is growing, attracting many young families, but the number of licensed childcare facilities is inadequate to meet the demand, so almost all childcare providers have long waitlists. The waitlist for Espiraes is currently four times our licensed capacity. By providing a childcare center within a residential neighborhood, we are improving safety, convenience, and walkability for neighboring families.**

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

**Response: we believe we have demonstrated this.**

**(C)** The proposed use shall be consistent with the General Plan and shall conform with the relevant goals, policies, and strategies of the applicable Area Master Plan, Sector Plan, or Functional Master Plan for the subject property and its surrounding area;



**Response:** This property falls under the Residential Neighborhoods Section of the 1994 Master Plan for Planning Area 68. The proposed project aligns with the objective to ensure *all land uses within residential areas shall be physically and visually compatible with the neighborhood character*, given it the existing residential home will retain its current visual character. Along with the owners, as prospective lessees we are committed to maintaining the home in attractive, safe condition for the benefit of our clients and our neighborhood. The owners of the property have already invested in making improvements since purchasing the home. Leasing it as a daycare center will also help *promote the area's neighborhoods to attract and retain long-term, responsible residents*. A neighborhood childcare service is a major asset for young families who want to raise children in Hyattsville.

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

**Response:** All adjacent property owners have expressed support for this proposal. Given we are currently operating a home daycare nearby, the proposed change of use will not have a major additional impact to the neighborhood.

(E) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

**Response:** The adjacent properties are all developed for residential use, as is the rest of the surrounding neighborhood. The childcare center would be unique in its nonresidential use, but have only a positive impact on the surrounding neighborhood.

(F) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and

**Response:** We are not proposing to remove any trees from the property.

(F) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of [Subtitle 24: Subdivision Regulations](#).

**Response:** There are no regulated environmental features on the property.

### **27-3604(c)(5)(F)(ix) Special Exception Submittal Requirements Statement of Justification including:**

(aa) How the property conforms to the requirements of the Zoning Ordinance and Subdivision Regulations, as applicable, including all conditions of approval in any development approvals and permits to which the special exception is subject;

**Response:** We believe we have extensively described how the property conforms to the requirements of the Zoning Ordinance and Subdivision Regulations above. To proceed with this project, we will need to apply for a fence permit and a driveway permit with the City of Hyattsville. A county fence permit will not be required, as the fence height will not exceed 4 feet. A county driveway permit will not be required, as no work in the county public right of

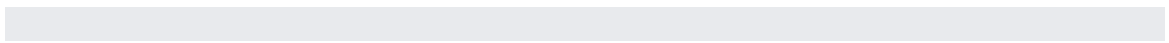


way will be required and the proposed driveway area is significantly less than 5,000 square feet (only 234 square feet).

Per the Table B-1 of the Prince George's County Environmental Technical Manual Natural Resources Inventory is not required because the project will not require a grading permit per Section 32-127(a)(6)(A) of the county code because the proposed limits of disturbance is less than 5,000 square feet and there are no regulated environmental features on the site.

Per Section 3.0 of the manual, *the tree canopy requirements contained in the WCO apply to all types of applications that require a tree conservation plan or letter of exemption; in other words, all applications requiring a grading permit.* No letter of exemption or tree conservation plan is required for this project, given no grading permit is required.

Per Sec. 32-174: Exemptions from Requirements, *any developments that do not disturb more than five thousand (5,000) square feet of land area are exempt from the provisions of this Division and the requirements of providing stormwater management.* Therefore, no stormwater concept plan is required for this application. However, we do plan to install a rain garden with native plants to absorb any additional runoff resulting from the driveway.



(bb) How the proposed design preserves and restores the regulated environmental features in a natural state to the fullest extent possible, in accordance with the requirements of Subtitle 24: Subdivision Regulations;

**Response: There are no regulated environmental features within or adjacent to the site.**

(cc) How any land intended for public use, but not proposed to be in public ownership, will be held, owned, and maintained for the indicated purpose (including any proposed covenants or other documents); and

**Response: No land is intended for public use as part of this project.**

(dd) How the development proposed in the special exception can exist as a unit capable of sustaining an environment of continuing quality and stability.

**Response: We believe this has been answered above. Our home daycare has sustained an environment of quality and stability since 2017. By leasing a space on our block and increasing our licensed capacity, we will be able to serve more families in our area and expand the physical space of our Montessori program.**