

Case No. SP-01028/01

Applicant: James Middleton

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-137, to approve a detailed site plan for a day care center for 60 children in an existing shopping center, on property described as approximately 2,004 square feet in the C-S-C Zone, within the northeast quadrant of the intersection of Forestville Road and Marlboro Pike, Forestville, is hereby:

AFFIRMED, for the reasons stated in the Planning Board's Resolution, whose findings of fact and conclusions of law are hereby adopted as the findings and conclusions of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to signature approval, the following revisions shall be made to the plans or items submitted:
 - a. The play area shall be drawn to scale.
 - b. Doors for the proposed day care center shall be clearly indicated.
 - c. A note stating the following shall be added to the plans:
 - (1) The gate to the play area shall be closed when the play area is being used.
 - (2) The gate shall only be open when the children are being taken in and out of the play area.
 - (3) The gate to the play area shall have a latch that is located at least four feet from finished grade in the play area and easily operated by adults.

- d. Plans shall be revised to show either a jersey wall or concrete bollards four foot on center along all sides of the playground immediately adjacent to asphalted areas allowing vehicular access. Final design of the above architectural barriers shall be approved by Urban Design staff as designee of the Planning Board.
- e. Details or general description of the proposed shade structure to be provided for the play area shall be included on the plans. Final design of the shade structure shall be approved by Urban Design staff as designee of the Planning Board.
- f. The parking spaces to be used for the day care center shall be clearly demarcated.
- g. All required loading spaces and ingress and egress to same shall be included on the site plan.
- h. A 16-foot-wide and 19-foot-long van-accessible parking space for the physically handicapped according to ADA regulations shall be shown on the site plan and clearly indicated on the parking table.
- i. A note stating that the play area is set back at least 25 feet from any residential dwellings shall be added to the plans.
- j. Physically handicapped access to the proposed day care center shall be added to the plans.
- k. A note stating that an accessible route to the street will be provided if public transportation serves the subject property shall be added to the plans.
- l. A letter of exemption from the Environmental Planning Section shall be procured and submitted to Urban Design staff.
- m. Applicant shall add a note to the plans stating the proposed maximum enrollment at the day care is 60 children.
- n. If there are fewer than three retail uses in the subject shopping center, an updated parking and loading schedule shall be submitted including all uses on the site, their addresses or unit numbers, the square footage of each use, the parking and loading spaces required for each use, and the parking and loading provided for each use. Vacant units shall be included in the schedule and may be listed as "vacant."
- o. A note shall be added to the plans that signage for the proposed project may not be greater than 48 square feet.
- p. A note shall be added to the plans that outdoor play equipment, if provided, shall conform to the requirements of the Americans with Disabilities Act, American

Society for Testing and Materials, and Consumer Products Safety Commission standards and recommendations for safety and accessibility.

- q. A note shall be added to the plans that ¾-inch thick playground padding shall be installed on the surface of the play area.
- 2. The day care play area shall be enclosed by a sight-tight vinyl fence.
- 3. The applicant shall ensure that the two parking spaces closest to the applicant's building are not used for parking or loading.

Ordered this 26th day of September, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Exum, Harrington, Hendershot, Knotts and Peters

Opposed:

Abstained:

Absent: Council Member Dernoga

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council