

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 9, 2000, regarding Detailed Site Plan No. 00005 for Another Little Sunshine Day Care Center, the Planning Board finds:

1. Detailed Site Plan SP-00005 is for a day care center located southwest of the intersection of Marlboro Pike and Silver Hill Road.

The proposed day care center is located in a private residence; the second story will be maintained as a residence. Located on the subject property to the south of the proposed day care is an existing hair salon. To the west of the subject property is an existing shopping center, and to the south and east are existing garden apartments.

2. The site development data for SP-00005 is as follows:

Another Little Sunshine Day Care Center
SP-00005

Zone	CSC Zone
Area	.46 acres
Existing Uses	Single Family Residence/Hair Salon
Proposed Uses	Single Family Residence/Hair Salon/Day Care
Proposed Enrollment	64 children
Playground area required (minimum)	2,400 square feet
Playground area provided	3,880 square feet
Parking required	
Day Care (1 space per 8 children)	8 spaces
Single Family Dwelling	2 spaces
Hair Salon	4 spaces
Parking required (for all uses)	
14 spaces	
Parking provided (for all uses)	14 spaces

3. Section 27-464.02(a)(1)(A)(v) states the following:

The play area shall contain sufficient shade during the warmer months to afford protection from the sun.

The plans do not indicate sufficient shade being proposed in the play area. The plans should be revised to include three (3) shade trees within the proposed play area.

The children do not have direct access to the play area; they will be required to traverse forty (40) feet of asphalt which includes a drive aisle and parking to access the play area. To ensure the safety of the children the plans should be revised to include swing gates that should be closed while the children go to and from the play area.

The applicant proposes to install steel bollards on the north side of the proposed play area. These bollards should be spaced four feet on center and a detail should be added to the detail sheet of the Detailed Site Plans.

The submitted plans indicate at this time that no play equipment is going to be installed. If in the future the applicant should install play equipment they should be required to install said equipment in accordance with The Consumer Product Safety Commission's Handbook for Public Playground Safety which dictates that the fall zone shall be covered with the appropriate resilient surface around any play equipment. This fall zone varies depending on the equipment, but is generally six feet wide and follows the contours of the piece of play equipment. No piece of equipment may intrude into another piece of equipment's fall zone. The applicant should provide the proper fall zones and resilient surface material as recommended by the Consumer Product Safety Commission's Handbook for Public Playground Safety (pub. #325).

4. In general the subject application is in conformance with the requirements of the *Landscape Manual* except for Section 4.7, (Buffering Incompatible Uses). The applicant applied for Alternative Compliance, (AC 00042, attachment AA) to seek relief from Section 4.7 of the *Landscape Manual*. The request for alternative compliance is recommended for approval by the Planning Director and is as follows:

One-way driveway aisles extend on each side of the proposed day care and loop around the back to access required parking for all the uses. The site is unable to provide the required bufferyards under Section 4.7 due to the 8-foot building setback of the existing beauty service, the required 11-foot driveway aisles for one-way traffic, and the parking requirements for all the uses. The play area also encroaches five feet into required bufferyard at the southeast corner of the property.

REQUIRED: Section 4.7, Buffering Incompatible Uses, (beauty service adjacent to a shopping center) along the southeast property line.

Length of bufferyard:

Building setback:	175 feet	
	30 feet	
Landscape yard:	20 feet	
Plant materials:	70 plant units	(50 percent reduction allowed for six-foot-high board-on-board fence)

PROVIDED:

Building setback:	8 feet	
Landscaped yard:	3 to 15 feet	
Plant materials:		95 plant units

REQUIRED: Section 4.7, Buffering Incompatible Uses, along northwest property line.

Length of bufferyard:	178 feet	
Building setback:	20 feet	
Landscaped yard:	10 feet	
Plant materials:		36 plant units (50 percent reduction allowed for six-foot-high board-on-board fence).

PROVIDED:

Building setback:	26 feet	
Landscape yard:	5 to 10 feet	
Plant materials:	60 plant units	

JUSTIFICATION OF RECOMMENDATION:

For each of the property lines mentioned above, existing paving and/or structures encroach into the required bufferyards. This situation precludes the site from fully meeting the provision of Section 4.7 of the *Landscape Manual*. The applicant has provided the full required bufferyard at the rear of the property, and has provided the full required parking lot landscaped strip at the front of the property. Additional plant materials have been provided in excess of the requirements as compensation for the reduced building setbacks and bufferyard. The Committee is of the opinion that the alternative is equal to or better than normal compliance to the requirements of the *Landscape Manual*.

RECOMMENDATION:

The Planning Director recommends approval of alternative compliance pursuant to Section 4.7 of the *Landscape Manual*, along the southeast and northwest property lines.

5. The subject application is not subject to the County Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland.
6. The Community Planning Division in a memorandum dated October 5, 2000 (Osei to Whitmore) offered the following comment:

A...There are too many uses for the same property: (a) Single Family Home (b) Hair Salon and (c) the proposed day care center for 64 children. Though the applicant has shown the schedule for the Hair Salon and the day care center on the map, securing the safety of the children for whom the day care center is intended to serve, in conjunction with the other existing uses in the home, is a concern.@

Staff has reviewed the subject application in relation to the above concerns and believes, especially with the inclusion of the swing gate, that these uses should be able to co-exist harmoniously. However, it should be noted that the Office of Child Care Licensing will have final approval of the operating license for this day care facility.

7. The Subdivision Section in a memorandum dated September 26, 2000 (Chellis to Whitmore) offered the following comment:

A...The site plan must be revised to reflect the tax map, grid and parcel number for the property.@

The plan should be revised to include the tax map, grid and parcel number for the subject property.

8. The Transportation Planning Section in a memorandum dated October 16, 2000 (Masog to Whitmore) offered the following comment:

A...the front planting strip extends five (5) feet into the Master Plan right-of-way for Marlboro Pike@

The Alternative Compliance request should be amended to include a request for relief from Section 4.2, Commercial and Industrial Landscape Strip, to plant within the right-of-way of Marlboro Pike. Should the Alternative Compliance request be denied the Detailed Site Plan should be revised to move the landscape strip out of the Marlboro Pike right-of-way.

9. The Permit Section in a memorandum dated September 8, 2000 (Gallagher to Whitmore) offered the following comment:

AIf this site is served by public transportation an accessible route to the street must be provided for handicapped access. If no public transportation exists place a note on the site plan.@

The plans shall be revised to demonstrate a handicapped accessible route from Marlboro Pike or a note shall be placed on the site plan stating that no public transportation services this property.

10. The Office of Child Care Licensing had not responded to the referral request at the time the staff report was written.

11. Section 27-464.02(a)(1)(A)(iv) states:

ASufficient lighting shall be provided on the play area if it is to be used before or after daylight hours to insure safe operation of the area;@

Lighting has not been provided for the play area to be operated safely before or after daylight hours. A note should be added to the plan stating that the play area will only be used during daylight hours.

12. The municipalities of Capitol Heights and District Heights had not responded to the referral request at the time of the writing of the staff report.

13. The plan will be in compliance with the Zoning Ordinance and the *Landscape Manual* for a day care center in the CSC zone after the recommended revisions are made to the Detailed Site plan.

14. The plan will, if revised in accordance with the proposed conditions of approval, represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the proposed

development for its intended use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan No. 00005 and further approved Alternative Compliance No. 00042, subject to the following conditions:

1. Prior to certificate approval, the following revisions and/or notes shall be made or added to the Detailed Site Plan:
 - a.. The plans shall be revised to include the location of swing gates and signage that will state the approximate times of opening and closing of said gates. A detail of the gates and signage shall be provided on the plan.
 - b. A note stating that the play area will only be used during daylight hours shall be placed on the plan.
 - c. A detail of the proposed bollards shall be added to the detail sheet of the Detailed Site Plans.
 - d. The plan shall be revised to include the tax map, grid and parcel number for the subject property.
 - e. The plans shall be revised to include three (3) shade trees in the proposed play area.
 - f. The Alternative Compliance request shall be amended to include a request for relief from Section 4.2, Commercial and Industrial Landscape Strip. The Planning Director shall have final approval authority. Should the Alternative Compliance request be denied the Detailed Site Plan shall be revised to move the landscape strip out of the right-of-way of Marlboro Road.
 - g. The plans shall be revised to demonstrate a handicapped accessible route from Marlboro Pike or a note shall be placed on the plan stating that no public transportation services this property.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board=s action must be filed with the District Council of Prince George=s County within thirty (30) days following the final notice of the Planning Board=s decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Brown, with Commissioners Eley, Brown, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, November 9, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of November, 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LW:bj