

## 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 July 12, 2001, regarding Detailed Site Plan SP-01014 for Finns Lane Daycare , the Planning Board finds:

1. Detailed Site Plan SP-01014 was submitted in accordance with Section 27-464.02 (a)(2) which requires a Detailed Site Plan for all day care centers in commercial zones. The subject property is zoned C-O (Commercial Office) in which a day care center for children is a permitted use according to Section 27-461 of the Zoning Ordinance.
2. The subject property consisting of 1.39 acres is located on Finns Lane. The adjacent property to the north, zoned R-55, has residential uses, the adjacent property to the south, zoned C-O, has a church and the adjacent property to the west, zoned C-2, has a auto sales and repair use.

The subject day care center is proposed in the existing one-story brick building on the southeast side of the subject property. The play area is proposed along the northwest side of the property.

Entrance to the subject site and the day care center is through the three existing entrances for the subject site along Finns Lane. The existing parking will be used for the day care center.

The details of the proposal are as follows:

- Proposed enrollment: 100
- Gross Floor Area: 3,184 sq.ft.
- Parking required by Section 27-582 for day care centers: 1 per 8 children =12.5
- Parking provided for 100 children: 24
- Play area required by Section 27-464.02 : 75 square feet of play space per child for 50% of the licensed capacity or 75 square feet per child for the total number of children to use the play area at one time, whichever is greater.
- Number of children to use the play area at one time: 50
- Area of play area required:  $100 \times 75 \times 0.5 = 3,750$  square feet
- Area of play area provided: approximately 7,630 square feet
- Hours of operation: 6.00 A.M. to 7.00 P.M. on weekdays
- Outdoor play hours allowed by Section 27-464.02: 7.00 A.M. to 9.00 P.M.
- Proposed play hours: 7.00 A.M. to 7.00 P.M.

The proposed parking, square footage of the play area and hours of outdoor play are

consistent with the requirements of Section 27-464.02, Day care center for children, of the Zoning Ordinance.

3. The applicant has not provided any shade structures for the play area. The existing site lighting is adequate. A four-foot-high chain-link fence is proposed for enclosing the play area. A 20-foot-wide landscape strip is proposed along the northern property line to buffer the proposed play area. A condition of approval has been added to require a shade structure for the play area.
4. Section 27-464.02, Day care center for children, states (in part):

AAll outdoor play areas shall be 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 4 feet in height; a greater setback from adjoining properties or uses or a higher fence may be required by the Planning Board if it determines that it is needed to protect the health and safety of the children utilizing the play area. The play area shall contain sufficient shade during the warmer months to afford protection from the sun.@

The outdoor play area is set back more than 25 feet from any dwelling unit. The height and design of the proposed chain-link fence will not be sufficient to completely enclose the play area to ensure safety of the children utilizing it and prevent the children from wandering into the parking lot. Therefore, a condition of approval has been added to require a board-on-board or a stockade fence instead of the proposed chain-link fence.

The applicant has not shown the location of gates to the play area. The gates should be closed when the play area is being used to prevent the children from wandering into the parking lot or the loading areas. The gates should only be open when the children are being taken into the play area and vice versa. The gate should have a latch that is located at a height of no less than 4 feet from the finished grade in the play area so that the children cannot access it. The latch should be designed in such a way that it can be easily operated by adults. A condition of approval has been added to ensure these requirements.

Some shrubs should also be added along the east side of the fence to soften the appearance of the play area from the parking lot. A condition of approval has been added to require the additional landscaping.

With the proposed conditions, the proposal is consistent with the requirements of Section 27-464.02 regarding screening and safety of the play areas.

5. The previous use on this property was an office use, a medium intensity use according to the requirements of the *Landscape Manual*. The proposed use, a day care center, is also a medium intensity use. Since the proposed use does not alter the existing buildings, add new structures, add new parking or alter the intensity of the proposed use, the proposal is exempt from the requirements of the *Landscape Manual*. The applicant is adding

landscaping along the northern property line to screen the proposed play area.

6. The Permits Review Section (Gallagher to Srinivas, March 19, 2001) has requested minor revisions to the Site/Grading Plans and verification of whether the proposal is subject to the requirements of the *Landscape Manual*.
7. The Environmental Planning Section (Ingrum to Srinivas, April 6, 2001) has stated that there were no previous tree conservation plans on file for the subject property. The site is subject to the Woodland Conservation Ordinance because it is larger than 40,000 square feet and contains more than 10,000 square feet of woodland. The applicant has filed a Tree Conservation Plan. The site will require reforestation to meet the requirements of the Woodland Conservation Ordinance. The section has requested several changes to the Tree Conservation Plan (TCPII/43/01) to include notes regarding reforestation, planting details, tree conservation signs etc. A condition of approval has been added to require these changes.
8. The Subdivision Section (Chellis to Srinivas, April 9, 2001) has stated that the applicant may be required to submit deed information demonstrating the same configuration as the 1982 Tax Maps at the time of permit review. The proposal is exempt from the requirement to file a preliminary plat of subdivision.
9. The Department of Public Works and Transportation (Hijaji to Srinivas, March 27, 2001) has stated that roadway improvements along Finns Lane must be in accordance with DPW&T standards and specifications.
10. The Community Planning Division (Fisher to Srinivas, March 23, 2001) has stated that the proposal is consistent with the Master Plan recommendations.
12. The Transportation Planning Section (Masog to Srinivas, April 26, 2001) has stated that the Department of Public Works and Transportation restricts the number of driveways on each road to two with a minimum width of 30 feet. There are three entrances on the proposed plan that are less than 30 feet in width. All the three entrances are existing entrances. The applicant is not proposing any changes to the existing entrances. Since all the structures and parking are existing, the Transportation Section is of the opinion that the entrances to the subject site need not be upgraded to the current requirements.
13. The proposal will not alter the existing intensity of the use on the subject property. The proposal will not have any significant adverse impacts on the subject property or the surrounding properties. The addition of shrubs along the play area will enhance the existing appearance of the subject property. Therefore, Detailed Site Plan SP-01014 is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of 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 for the above-described land, subject to the following conditions:

1. Prior to certificate approval the applicant shall,
  - a. Revise the site/grading and landscape plans to show the following:
    - (1) A four-foot-high board-on-board or stockade fence instead of the proposed chain-link fence for the play area
    - (2) Shrubs along the east side of the play area to partially screen the fence and the play area from the parking lot
    - (3) Location of the gates for the play area
    - (4) A note stating that the gate shall be closed when the play area is being used. The gate shall only be open when the children are being taken in and out of the play area. It shall have a latch that is located at least four feet from finished grade in the play area and easily operated by adults
    - (5) A note stating that the outdoor play area hours are restricted to the hours of 7:00 a.m. and 7:00 p.m.
    - (6) A note stating that the parking lot will be surfaced with dust free material
    - (7) Notes and information regarding previous permits for upgrading the parking lot to current standards
    - (8) A 16-foot-wide and 19-foot-long van-accessible parking space for the physically handicapped according to ADA regulations shown on the site plan and parking table
    - (9) A note stating that the play area is set back at least 25 feet from any residential dwellings
    - (10) Dimensions of the existing driveways that indicate that they have a minimum width of 11 feet and are one-way driveways
    - (11) An accessible route to the street to provide access to public transportation
    - (12) Handicapped access to the existing buildings
    - (13) Design and details of the shade structure for the play area

- b. Revise the Tree Conservation Plan (TCPII/43/01) to show the following:
- (1) The proposed seedling planting rate shall be revised to conform to the requirements of the Prince George=s County Woodland Conservation Ordinance of 1,000 seedlings per acre.
  - (2) The two existing trees listed as being in poor condition (T-8 and T-5) shall not be counted towards the reforestation requirement.
  - (3) The size and location of the shade trees included in the reforestation calculation shall be identified.
  - (4) The TCPII shall be revised to include the name and address of the contractor responsible for the reforestation.

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.

\* \* \* \* \*

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, Scott, Lowe and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 12, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:LS:rmk