

## 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 June 16, 2005, regarding Detailed Site Plan DSP-01028/01 for Middleton Daycare, Forestville Plaza, the Planning Board finds:

1. **Request:** The subject application requests the establishment of a day care center for 60 children in an existing shopping center.

2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-S-C	C-S-C
Use(s)	Vacant	Day care
Acreage	.10	.10
Parcels	1	1
Building Square Footage/GFA	2,004	2,004

NOTE: The entire shopping center measures 791,538 square feet or 18.17 acres (Parcel "C")

3. **Location:** The site is in Planning Area 75A, Council District 6. More specifically, it is located in the northeast quadrant of the intersection of Forestville Road and Marlboro Pike.
4. **Surroundings and Use:** The subject property is bounded to the northwest by a gas station and a church, to the southwest by vacant buildings, to the east by a row of buildings utilized for various commercial and industrial land uses, and to the west by various commercial uses.
5. **Previous Approvals:** The site was the subject of an approved Detailed Site Plan, DSP-88072, for the Forestville Shopping Center and Detailed Site Plan DSP-01018 for a day care center with a permitted maximum enrollment of 80 children on the subject property at another location within Forestville Shopping Center. Recommended conditions of that approval are included as appropriate as part of the recommended conditions below. The site was also the subject of Stormwater Management Concept 36570-2003-00 approved November 19, 2003, and effective until November 19, 2006.
6. **Design Features:** The location of the day care within the shopping center is in the easternmost corner of the site. The proposed daycare center is in an end unit of the center, bearing the street address number of 7736 and measuring 2,004 square feet. The proposed 25- by 50-foot (1,250 square feet) play area is proposed to be immediately adjacent to the day care, accessed via a gate to be installed on its front side. The front portion of the day care and proposed play area are

paved for pedestrian access only. Vehicular circulation is not planned proximate to where the children would walk from the proposed indoor facility to the outdoor play area. Access to the play area would be via a gate.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-461(b), which governs permitted uses in commercial zones. The proposed day care is a permitted use in the zone.
  - b. The proposal is also in conformance with the requirements of Section 27-462, Regulations, regarding additional regulations for development in commercial zones.
  - c. The subject project is also subject to the requirements of Section 27-464.02 of the Zoning Ordinance—day care center for children. The requirements of that section are particularized in the chart below and compliance is evaluated.

Required	Proposed
An outdoor play area shall be provided	An outdoor play area is included on the plans
Outdoor play area shall measure the greater of 75 square feet 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.	The outdoor play area measures 1,250 square feet, which meets these requirements.
The play area shall contain sufficient shade during the warmer months to afford protection from the sun.	Recommended Condition 1e below ensures compliance with this requirement.
The detailed site plan shall show the proposed enrollment.	Recommended Condition 1o below ensures compliance with this requirementt
The detailed site plan shall show the location and use of all buildings on adjoining lots.	Recommended Condition 1j below ensures compliance with this requirement.
The detailed site plan shall show the location and size of an outdoor play or activity areaa	The location and size of the outdoor play or activity area is indicated on the plan.
The detailed site plan shall show the location, quantity, and type of screening and landscaping.	This requirement is not applicable to the subject project, as it does not involve the addition of any floor area.

It is not clear from the plan which parking spaces are allocated to the day care center, whether 3, 5 or 12 spaces have been removed, and if the plan still meets parking and loading requirements of the Zoning Ordinance.

8. **Detailed Site Plan DSP-01028 and DSP-88072-**The proposed project has been reviewed against the requirements of Detailed Site Plan DSP-01028 and DSP-88072 and found to be generally in conformance. Certain of the conditions attached to the approval of DSP-01028 have been reiterated in the recommended conditions below.
9. **Landscape Manual:** The proposed development is exempt from the requirements of the *Landscape Manual*, as the application does not involve the creation of additional square footage of building on the site.
10. **Woodland Conservation Ordinance:** The site is exempt from the requirements of the Woodland Conservation Ordinance. Condition 1(n) in the recommended conditions below ensures that the applicant will procure the required letter of exemption from the Environmental Planning Section prior to signature approval of the subject detailed site plan.
11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Historic Preservation:** At the time of this writing, the Historic Preservation Section has not offered comment on the proposed project.

**Archeology:** In a memorandum dated May 10, 2005, the consulting archeologist, noting that a Section 106 review may be required by state or federal agencies, stated that she would not require archeological investigations for the subject site.

**Community Planning:** In a memorandum dated May 31, 2005, the Community Planning Section stated that the application is not inconsistent with the 2002 General Plan Development Plan policies for the Developed Tier Corridors, that it conforms to the land use recommendations of the 1986 *Approved Master Plan and Sectional Map Amendment for the Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* but that conditions of approval and issues should be addressed during the review of the application to ensure the safety of the children utilizing the day care. Community Planning's concerns have been addressed in the recommended conditions below.

**Transportation:** In comments dated May 2, 2005, the Transportation Planning Section stated that Forestville Road is a proposed 80-foot right-of-way, existing at 100 feet at this location. Marlboro Pike is a proposed and existing 80-foot right-of-way. Also, they stated that because there is no new construction or change in circulation on the site or the relevant trip caps, they offer no comment.

**Subdivision:** In comments dated May 9, 2005, the Subdivision Section stated that there were no subdivision issues raised by the proposed project to be located on part of "Parcel C," Forestville Shopping Center.

**Trails:** In a memorandum dated May 24, 2005, the senior trails planner stated that there are no trail requirements for the subject project.

**Parks:** In comments dated May 3, 2005, the Department of Parks and Recreation requested that the outdoor play area be reviewed for conformance with the Americans With Disabilities Act, ASTM, CPSC standards and recommendations for safety and accessibility. This request has been assured by a recommended condition.

**Permits:** In a memorandum dated May 9, 2005, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

**Environmental Planning:** In comments dated May 12, 2005, the Environmental Planning Section stated that there are no environmental issues associated with this application.

**Department of Environmental Resources (DER):** In comments dated May 9, 2005, DER stated that the site plan for Middleton Daycare, Forestville Plaza, DSP-01028/01 is consistent with approved stormwater concept 36570-2003.

**Fire Department:** In comments dated May 8, 2005, the Prince George's County Fire Department offered comments on required access for fire apparatuses, private road design, and the location and performance of fire hydrants.

**Department of Public Works and Transportation (DPW&T):** In a memorandum dated May 4, 2005, DPW&T stated that since the proposed site plan involves only minimal internal revisions to an existing building at an existing shopping center, all that would be required is a commercial restoration bond. DPW&T's requirements are ensured through their own permitting process.

**Maryland Department of Human Resources, Office of Child Care Licensing:** At the time of this writing, staff has not received comment regarding the subject project from the Office of Child Care Licensing.

**Washington Suburban Sanitary Commission (WSSC):** In a memorandum dated May 5, 2005, WSSC stated that the applicant should apply for a plumbing permit because of existing onsite project 950S0042. WSSC requirements are ensured through their separate permitting process.

**Maryland State Highway Administration (SHA):** In comments dated May 10, 2005, SHA stated that since the existing ingress/egress will adequately serve the facilities, they have no objection to Detailed Site Plan DSP-01028/01 approval.

**District Heights:** At the time of this writing, District Heights has not offered comment on the proposed project.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a

reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost 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 DSP-01028/01, 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.

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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire and Hewlett voting in favor of the motion, and Commissioners Eley and Vaughns temporarily absent at its regular meeting held on Thursday, June 16, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7<sup>th</sup> day of July 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:RG:rmk