

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 September 6, 2001, regarding Detailed Site Plan SP-01028 for Forestville Plaza Shopping Center, The Kid=s Corner, the Planning Board finds:

1. Detailed Site Plan SP-01028 was submitted in accordance with Section 27-464.02(a)(2) which requires a Detailed Site Plan for all day care centers in shopping centers. The subject property is zoned C-S-C (Commercial Shopping Center) in which a day care center for children is a permitted use according to Section 27-461 of the Zoning Ordinance.
2. The day care center is proposed within the existing building in the existing Forestville Plaza Shopping Center. The shopping center is located on the northeast corner of Forestville Road and Old Marlboro Pike. The day care center will be located in the vacant space on the south side of Super Fresh Food Market which is on the southeast side of the shopping center. The play area is proposed on the east side of the shopping center. The existing parking for the shopping center is on the west side of the proposed day care center. There is a driveway between the day care center and the existing bank on the south side. The driveway continues to the east side of the proposed play area and provides access to the rear of the shopping center.

Entrance to the subject site and the day care center is through the two existing entrances for the shopping center (one on Forestville Road and one on Old Marlboro Pike).

Entrance to the day care center is on the west side facing the parking lot for the shopping center. Entrance to the play area is through the day care center. A gate on the south side of the play area also provides access to the play area.

The details of the proposal are as follows:

- Proposed enrollment: 80
- Gross Floor Area: 4,000 sq. ft.
- Parking required by Section 27-582 for day care centers: 1 per 8 children =10
- Parking provided for 80 children: 10
- Play area required by Section 27-464.02: 75 square feet of play space per child for 50 percent 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: 40
- Area of play area required: $80 \times 75 \times 0.5 = 3,000$ square feet

- Area of play area provided: approximately 3,300 square feet
- Outdoor play hours allowed by Section 27-464.02: 7 a.m. to 9 p.m.
- Proposed play hours: 7 a.m. to 6.30 p.m.
- Hours of operation: 6.30 a.m. to 6.30 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 proposed play area will be located on the east side of the proposed day care center. Various play equipment will be provided in the play area. A six-foot-high, vinyl-clad fence is proposed around the play area. A six-foot-high, board-on-board fence is preferable. Bollards placed at six-foot intervals will also be helpful in ensuring the safety of the play area. A condition of approval has been added to require the fence and bollards. Access to the play area will be through two doors on the east side of the proposed day care center. The location of the doors has not been shown. The play area must be drawn to scale on the site plan. Conditions of approval have been added to require the same.
4. Section 27-464.02, Day care center for children, states (in part):
 - (A) 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;*

The proposal complies with this requirement.

- (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;*
 - (iii) *A greater set back from adjacent 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;*

There are no dwelling units located on the adjoining properties. Conditions of approval have been added for the proposed fence.

- (iv) *An 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;*

Although entrance to the play area is through the day care center, the applicant is proposing a gate along the south side of the play area for access to the play area. The purpose of the gate is to ensure the safety of the children by preventing them from wandering into the parking lot while going in and out of the day care center and the play area. The gate must be open when the children are being taken to the play area from the day care center and vice versa. The gate must be closed when the children are in the play area to ensure their safety. The gate must have a latch that is located at a height of minimum four feet from the finished surface of the walkway so that the children cannot access it. The gate must be locked but the latch must be designed in such a way that it can be easily operated by adults. A condition of approval has been added to ensure these safety requirements.

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

The play area is on the southeast side of the property. The fence and the existing trees are not sufficient to shade it. A condition of approval has been added to require an outdoor shade structure for the play area to provide sufficient shade during the warmer months.

- (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.*

The play area will not be used after daylight hours.

5. The subject Detailed Site Plan will not significantly alter the existing conditions on the site. The existing parking spaces will be utilized for the day care center. The shopping center requires a total of 886 parking spaces according to the Zoning Ordinance requirements. There are 1,024 existing parking spaces in the shopping center. Five loading spaces are required by the Zoning Ordinance for the shopping center and six loading spaces have been provided. The parking spaces to be used for the day care center and the loading spaces must be clearly shown on the site plan. Conditions of approval has been added to require the same.

Since the proposal does not include the addition of new square footage, the reconfiguration of the parking lot to add new parking spaces or a change in the use of the subject property as a whole, it is exempt from the requirements of the *Landscape Manual*.

6. The Permits Review Section (Gallagher to Srinivas, June 7, 2001) has requested minor revisions to the Site/Grading Plans. A condition of approval has been added to require the minor changes.
7. The Environmental Planning Section (Metzger to Srinivas, June 27, 2001) has

commented that the proposal is not subject to the provisions of the County Woodland Ordinance because it contains less than 10,000 square feet of woodland. A Tree Conservation Plan will not be required. A condition of approval has been added to require a letter of exemption from the Environmental Planning Section.

8. The Department of Environmental Resources (De Guzman to Srinivas, June 14, 2001) has no objections to the proposal.
9. The Transportation Planning Section (Masog to Srinivas, June 7, 2001) has stated that the site plan is acceptable.
10. The State Highway Administration (McDonald to Srinivas, June 16, 2001) has stated that they have no objections to the proposal.
11. The Community Planning Division (Osei to Srinivas, July 3, 2001) has stated that the master plan encourages quasi-public uses within or adjacent to activity centers in order to share parking facilities. The proposal is consistent with this master plan recommendation. The section has expressed concerns regarding the safety and screening of the play area location. Additional information must be provided to show the location of entrances. The proposed conditions of approval address these concerns.
12. The Subdivision Section (Del Balzo to Srinivas, July 11, 2001) has stated that the property is recorded in Plat Book WWW 78@13, Forestville Plaza Shopping Center. There are no subdivision issues associated with this case.
13. The proposal is not altering the overall existing use of the property as a shopping center and is utilizing the existing building and vacant area for the day care center and play area. There are no significant alterations to the existing site that will impact the existing grading and drainage conditions on the property. The proposal will not have any significant adverse impacts on the subject property or the surrounding properties. Therefore, Detailed Site Plan SP-01028 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) The play area drawn to scale

- (2) The location of doors for the proposed day care center
- (3) 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
- (4) Six-foot high, board-on-board fence with bollards at six-foot intervals to enclose the play area
- (5) Details or general description of the proposed shade structure to be provided for the play area to provide sufficient shade during the winter months
- (6) The parking spaces to be used for the day care center clearly demarcated
- (7) The loading spaces for the shopping center clearly demarcated
- (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) The location and uses of all buildings on adjoining lots
- (11) Physically handicapped access to the proposed day care center
- (12) A note stating that an accessible route to the street will be provided if public transportation services this property.
- (13) A note stating the description and details of the buzzer and security cameras to be used for security purposes.

- b. Obtain a letter of exemption from the Environmental Planning Section, Countywide Planning Division.

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 Lowe, seconded by Commissioner Scott, with Commissioners Lowe, Scott, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 6, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of September 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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