

## 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 27, 2001, regarding Detailed Site Plan SP-01035 for Allentown Plaza, the Planning Board finds:

1. Request: The subject application is to change the use of an existing grocery store to a daycare center for 340 children in the C-S-C Zone.
2. Location: The site is located in Planning Area 76B, Council District 8. More specifically, it is situated at the southwest corner of the intersection of Allentown Road (MD 337) and Allentown Way.
3. Surroundings and Use: The subject site is located in a Commercial Shopping Center (C-S-C) Zone. The only building on the site was used as a grocery store. The site is bounded on its northeast and northwest sides by Allentown Way and Allentown Road respectively. To its southwest is a library, zoned R-R. To its southeast is a community shopping center, zoned C-S-C.
4. Previous Approvals: The subject site has been developed since the 1970s. The previously issued building permit for this site is dated back to March 16, 1970. The Stormwater Management Concept Approval, which was issued on September 4, 2001, with a case number of 23442-2001-00, exempts the site from stormwater management requirements. The site does not have a Tree Conservation Plan.

5. Site Plan Data

<b>Zone</b>	<b>C-S-C</b>
<b>Existing Use</b>	<b>Grocery Store</b>
<b>Proposed Use</b>	<b>Day Care Center</b>
<b>Lot Area</b>	<b>2.83 acres</b>
<b>Building Square Footage</b>	<b>24,750 square feet</b>
<b>Proposed Enrollment</b>	<b>340 students (Ages 2-12 years)</b>
<b>Total Play Area Required</b>	<b>12,750 square feet</b>
<b>Total Play Area Provided</b>	<b>13,175 square feet</b>
<b>Parking Required</b>	<b>43 spaces</b>
Handicap Parking Required	2 spaces
<b>Parking Provided</b>	<b>191 spaces</b>
Handicap Parking Provided	4 spaces
<b>Loading Space Required</b>	<b>1 space</b>
<b>Loading Space Provided</b>	<b>1 space</b>
<b>Hours of Operation</b>	<b>6:30 am to 6:30 pm</b>

6. Design Features: The applicant proposes to change the use of an existing grocery store to a daycare center for 340 children. The existing building is a brick and cinder block structure with a building height of approximately 25 feet. The proposal will not increase the gross floor area of the existing building. Neither will it resurface the existing parking area. The only construction proposed is to convert the 13,175 square feet of the outdoor space located at the southwest corner of the site adjacent to the existing building into a wood chip play area. Except for five shade trees, two shade structures have also been proposed for the play area in order to provide sufficient shade during the warmer months. The outdoor play ground is enclosed by a wall and a six-foot-high wood fence. The site has direct vehicular access to both Allentown Road and Allentown Way.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the C-S-C zone and the site plan design guidelines of the *Zoning Ordinance*.
  - a. Per Section 27-461 (b), which governs development in a commercial zone, the proposed use as a day care center for 340 children is permitted in the C-S-C zone.
  - b. The subject application is in conformance with the requirements of 27-464.02, Day Care Center for Children. The proposed day care center meets the additional requirements as stated in Section 27-464.02.
8. Landscape Manual: The proposed change of use from an existing grocery store to a daycare center for 340 children is exempt from requirements of the applicable sections of the *Landscape Manual*, because the proposed day care center does not involve either an increase in gross floor area of the building or a change of use from a less intensive to a more intensive use category as defined in Section 4.7. The change of use of this proposal is from a high-intensity use to a low-intensity one.
9. Woodland Conservation Ordinance: The property is not subject to the provisions of the Prince George=s County Woodland Conservation Ordinance. Even though the site is more than 40,000 square feet, it contains no woodland. The site does not have a previously approved Tree Conservation Plan either. A Tree Conservation Plan is not required.

A Letter of Exemption has been obtained from the Environmental Planning Section on August 16, 2001. This exemption is valid for two years.
10. Referral Comments: The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as the following:
  - a. The State Highway Administration, in a memorandum dated September 3, 2001,

has no objection to the approval of Detailed Site Plan, DSP-01035, Allentown Plaza.

- b. The Permit Review Section identified several technical questions in a memorandum dated September 4, 2001, concerning compliance with the applicable design standards in the Detailed Site Plan because the site was established pre-1970. The questions have either been addressed during the review process or included in the recommendation section of this staff report as conditions.
- c. The subject application was referred to the Environmental Planning Section and in a memorandum dated August 15, 2001, the staff finds that the plan as submitted meets all applicable environmental requirements. The Environmental Planning Section recommends approval of DSP-01035, Allentown Plaza.
- d. The subject Detailed Site Plan was also referred to the Department of Environmental Resources of Prince George's County. In a memorandum dated August 15, 2001, the Department of Environmental Resources has no objection to the approval of DSP-01035, Allentown Plaza.
- e. In a memorandum dated August 22, 2001, the Transportation Planning Section has no objection to the subject application. The staff made this recommendation based on the finding that there is no new construction planned in this Detailed Site Plan proposal.
- f. The Community Planning Division, in a memorandum dated September 5, 2001, found that:

The proposed use is consistent with one of the objectives of the Commercial Area and Activity Center component of the Subregion VII Master Plan, which encourages combination of commercial facilities and appropriate public, semipublic uses in an unified site development to provide neighborhood, village and community focal points. @

The staff also expresses concerns about the compliance of the proposed Detailed Site Plan with the *Landscape Manual*. Because the proposed day care center does not involve either an increase in gross floor area of the existing building or a change of use from a less intensive to a more intensive use category as defined in Section 4.7, the proposal is not subject to the provisions of the *Landscape Manual*.

- g. The Subdivision Section, in a memorandum dated August 27, 2001, identified concern about the compliance of the subject application with Section 24-111(c), Resubdivision of land. Since the subject application is to change the use from a grocery store to a daycare center for 340 children, it is exempt from the requirement to file a new preliminary plan prior to the issuance of a building

permit.

- h. The Office of Child Care Licensing had not responded to the referral request at the time the staff report was written.
- 11. The Detailed Site Plan, if revised in accordance with the proposed conditions, will 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 from its intended uses.

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 certification of approval of DSP-01035, the applicant shall make the following revisions to the Detailed Site Plan:
  - a. Provide a loading schedule that demonstrates the required and provided loading spaces.
  - b. Revise the parking layout to ensure that the minimum width of a two-way driveway shall be 22 feet in width.
  - c. Provide a note to state that the Detailed Site Plan does not involve any change of gross floor area of the existing building and the change of use is from a high-intensity use to a less-intensive one. It therefore is not subject to both the *Landscape Manuaa* and the Subdivision Regulations.
- 2. Prior to issuance of building permit, the six-inch curb within the proposed play area shall be relocated to ensure that the outdoor play ground has an uninterrupted surface.

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.

File No. SP-01035

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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 Brown, with Commissioners Lowe, Brown, and Eley voting in favor of the motion, Commissioner Scott abstained, and Chairman Hewlett was temporarily absent at its regular meeting held on Thursday, September 27, 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

TMJ:FJG:HZ:rmk