

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 March 20, 2003, regarding Detailed Site Plan DSP-02055 for Arise Tender Training Childcare, the Planning Board finds:

1. **Request:** The request is to establish a childcare center for 12 children in an existing structure on the subject property.

2. **Site Plan Data:**

	<b>Existing</b>	<b>Proposed</b>
Zone(s)	CSC	CSC
Use(s)	Vacant	Childcare Center
Acreage	Approximately 0.16	Approximately 0.16
Lots	17, 18 and 19	17, 18 and 19
Square footage/GFA	968	968
Dwelling Units:	None	None

Other Development Data:

	<b>Required</b>	<b>Provided</b>
Parking Spaces	2	2
Loading Spaces	None	None
Parking Lot Green Space	None	None

3. **Location:** The project is located at 4924 Marlboro Pike in the 7<sup>th</sup> Councilmanic District and in Planning Area 75A.
4. **Surroundings and Use:** The project is located on a major thoroughfare in area of mixed commercial and residential land use.

**COMPLIANCE WITH EVALUATION CRITERIA**

5. **The Requirements of the Prince George's County Zoning Ordinance:**

The project has been reviewed against the Prince George's County Zoning Ordinance and found substantially to be in compliance. The proposed use fits within the stated purposes of the C-S-C Zone included in Section 27-454 of the Prince George's County Zoning Ordinance, which is (in part) to provide locations for compatible service uses. Further, the use conforms to the specific

regulations of Section 27-464.02, Day care center for children, except as follows:

- A portion of the outdoor play area encroaches onto adjacent Lots 2,3 and 4 that are zoned R-55, in which zone day care centers require a special exception. Staff would recommend that the play area be relocated entirely on Lots 17-19. Calculations show that adequate play area would remain to fulfill the requirements with respect to the required size of the play area (Sec. 27-464.02(a) (1)(A)(iii)).
  - A sun shade, in a form approved by the Urban Design Section, must be installed in the play area to afford attendees of the day care center adequate protection from the sun in the warmer months (Sec. 27-464.02(a)(1)(A)(v)).
  - It must be noted on the detailed site plan that students will not use the outdoor play area before daylight or after dark, since sufficient lighting has not been provided (Sec. 27-464.02(a)(1)(A)(v)).
  - The use of the building on the adjacent lot (vacant) must be indicated on the detailed site plan (Sec. 27-464.02(a)(2)(B)(ii)).
6. ***Landscape Manual:*** Section 1.1 of the *Landscape Manual* states that existing conditions on developed sites not in conformance with the requirements of this manual that are otherwise lawful on January 1, 1990, and not the subject of any building or grading permit may be continued as a matter of right. This section applies to the subject site, which is exempt from all sections of the *Landscape Manual*.
7. **Woodland Conservation Ordinance:** The Environmental Planning Section deemed the site exempt from the requirements of the Woodland Conservation Ordinance because the subject property is less than 40,000 square feet in size, contains less than 10,000 square feet of woodland, does not have a previously approved tree conservation plan, and contains no classifiable forest.
8. **Referral Comments:** The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:
- a) The Department of Public Works and Transportation (DPW&T) stated that right-of-way dedication and roadway improvements would be required along the Marlboro Pike and Iago Avenue frontages. Further, they stated that the applicant would have to comply with their permit requirements, if any, for street lighting and street tree standards along the frontage of the property.
  - b) Transportation—The Transportation Planning Section stated that the master plan right-of-way along Marlboro Pike is 80 feet, or 40 feet from centerline, and that the existing drive aisle is fully within the planned right-of-way. Further, since the plan proposed no changes within the right-of-way, nor significant changes to uses served by structures within the planned right-of-way, the Transportation Planning Section found the site plan acceptable.

- c) The Office of Child Care Licensing—The Office of Child Care Licensing offered no comments on the site plan. They were concerned, however, with the interior floor plan and its compliance with regulations for the various aged children to be served by the facility. The Office of Child Care Licensing will address those concerns directly with the applicant as the proposed childcare center completes the licensing process.
- d) Stormwater Management—The Department of Environmental Resources, the office responsible for stormwater concept approval, had no objection to the proposed project.
- e) The Washington Suburban Sanitary Commission, noting that the project will have no impact on water and sewer facilities in the vicinity of the proposed project, simply stated that water and sewer are available to the subject site.
- f) Subdivision—The Subdivision Section noted that the project will adaptively reuse a structure on the subject property, with no net increase in gross floor area. Additionally, they noted that the project involves a portion of existing lots 11-19 as shown on record Plat BDS1 @ 64.
- g) Environmental—The Environmental Planning Section reviewed the proposed project for soils, topography, rare, threatened or endangered species, natural drainage, floodplains, streams, waters of the US, wetlands, Woodland Conservation Ordinance, and tree conservation plan requirements and recommended approval, without conditions. They did mention, however, that a letter of exemption from the Woodland Conservation Ordinance would be required prior to the issuance of any permit for the project.
- h) Permits—The Permits Section noted:
  - That a portion of the outdoor play area encroaches onto adjacent Lots 2, 3, and 4 that are zoned R-55 and would require a special exception for developing part of the day care center on that portion of the site. They suggested alternatively that the play area be relocated entirely onto Lots 17-19.
  - That zoning of adjacent Lots 1-10 must be corrected from “C-S-C” to “R-55.”
  - That the outdoor play area must comply with Sections 27-464.02(a)(1)(A)(v) and (vi) of the Zoning Ordinance.
  - That the use(s) of all buildings shown on the plan must be indicated.
  - That building dimensions, including height, must be indicated on the plan.
  - That property dimensions with bearings and distances must be provided on the site plan for all property boundaries.
  - That the centerline and proposed right-of-way of all streets must be provided on

the site plan.

- That the site plan must provide the gross floor area of all buildings, not “usable square footage.”
  - That the site plan and prior permit history indicate that these buildings were constructed prior to the adoption of parking and loading regulations that were effective November 29, 1949, and that the parking is grandfathered in accordance with Section 27-584 of the Zoning Ordinance, provided a schedule of parking is included on the plan showing the number, types and sizes of all parking spaces and at least one 10-foot by 20-foot parking space and one 16-foot by 20-foot van-accessible space.
  - The number and types and sizes of all existing parking spaces should be shown on the above schedule and may be grandfathered as well.
  - Applicant must provide both a van accessible handicapped 16-foot x 19-foot parking space, a ramp, depressed curb and other means of accessible access to the building from the accessible space must be provided and indicated on the site plan.
  - Use of Lot 20 listed as “residential” should be corrected to vacant C-S-C-zoned land.
  - Use of Lots 1-10, zoned R-55 must also be indicated on the site plan.
- i) Community Planning—The Community Planning Section only stated that the master plan recommends retail commercial use for the subject property.
- j) Fire Department—The Fire Department stated that access, signage, location of structures with respect to fire hydrants, and fire lanes must be provided in accordance with their requirements. A separate Fire Department permitting process will ensure compliance with these requirements.
- k) Capitol Heights<sup>3/4</sup> At the time of the writing of this staff report, the City of Capitol Heights has not responded to the referral request.

Conditions are proposed below to remedy these deficiencies in the plan.

9. 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 DSP-02055, subject to the following conditions:

1. Prior to certificate approval, the plan shall be revised as follows:
  - a. The fencing on the boundary of the play area adjacent to Lots 2, 3, and 4 shall be relocated so that the play area is solely located on Lots 17-19. The portion of the outdoor play area that encroaches onto adjacent Lots 2, 3 and 4 shall be eliminated from the subject application.
  - b. A sunshade, to be approved by the Urban Design Section as designee of the Planning Board, shall be installed in the play area to afford attendees of the day care adequate protection from the sun in the warmer months.
  - c. The applicant, because of insufficient lighting, shall ensure that attendees of the day care not use the outdoor play area before daylight or after dark and shall so note on the detailed site plan.
  - d. The zoning of adjacent Lots 1-4 on the detailed site plan shall be corrected from "C-S-C" to "R-55."
  - e. The use of all buildings shall be identified on the detailed site plan.
  - f. Building dimensions, including the height, shall be clearly indicated for all buildings on the detailed site plan.
  - g. Property dimensions with bearings and distances shall be provided on the detailed site plan for all property boundaries.
  - h. Centerlines and proposed rights-of-way of all streets shall be provided on the detailed site plan.
  - i. Gross floor area of all buildings on the site, not "usable square footage," shall be indicated on the detailed site plan.
  - j. The parking schedule shall be revised to include at least one 10-foot by 20-foot parking space and one 16-foot by 20-foot van-accessible parking space. The number, types and sizes of all parking spaces shall be included on the detailed site plan.
  - k. Applicant shall indicate, on the detailed site plan, a van-accessible 16-foot by 19-foot handicapped parking space and a ramp, depressed curb and other means of handicapped access from the space to the building's entrance.
  - l. Applicant shall correct the use of Lot 20 on the detailed site plan from "residential" to

“vacant C-S-C-zoned land.”

- m. Applicant shall indicate the use of Lots 1-4, zoned R-55 on the detailed site plan.
- 2. Approval of DSP-02055 shall be limited to the Arise Tender Training Center to be housed in Building 1 and to be located on Lots 17-19.

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 Lowe, with Commissioners Eley, Lowe and Hewlett voting in favor of the motion, and with Commissioner Scott absent at its regular meeting held on Thursday, March 20, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10<sup>th</sup> day of April 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:RG:rmk