

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 December 11, 2003, regarding Detailed Site Plan DSP-03040 for Watkins Park Plaza, the Planning Board finds:

1. **Request:** The subject application is for the addition of a day care center for 150 children to an existing shopping center in the C-S-C Zone.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Integrated Shopping Center	Addition of a daycare center
Acreage	12.79	12.79

**Other Development Data**

	<b>EXISTING</b>	<b>PROPOSED</b>
Enrollment number	N/A	150 children
Playground area required	N/A	5,625 square feet
Playground area provided	N/A	6,400 square feet
Total parking spaces	571 (454 required)	544
Of which handicapped spaces	26 (9 required)	26
Loading spaces	4	4

3. **Location:** The site is in Planning Area 74A, Council District 6. More specifically, it is located in the southeast corner of the intersection of Watkins Park Drive (MD 193) and Central Avenue (MD 214).
4. **Surroundings and Use:** The subject property is bounded to the west by Watkins Park Drive (MD 193), to the east by a 250-foot-wide PEPCO easement, and to the north by Central Avenue (MD 214). To the north of the property across Central Avenue (MD 214) are undeveloped properties in the R-R and R-S Zones; to the east across the PEPCO easement is Rose Valley Estates, which is an existing single-family detached subdivision in the R-80 Zone; and to the west of the site across Watkins Park Road (MD 193) is property in the R-18 Zone.

5. **Previous Approvals:** The subject shopping center site was first recorded in Final Plat 5-78084 in 1978. The site was resubdivided and recorded as NLP 125@19 in 1985. The shopping center was constructed on the subject property later on. The subject day care center also has a previous submission, DSP-93011, which was for approval of a day care center for 64 children. The application was withdrawn prior to Planning Board hearing mainly because the proposed outdoor play area did not meet requirements for a child care facility.
6. **Design Features:** The existing triangularly shaped shopping center is bounded by Central Avenue (MD 214), Watkins Park Drive (MD 193), and a 250-foot-wide PEPCO easement on the north, west and east sides, respectively. The main shopping center building is located parallel to the PEPCO easement to the east. Three pad sites are located close to the intersection of Central Avenue and Watkins Park Drive in the northwest corner. Between the main shopping center building and the three pad sites are surface parking lots. The proposed daycare center and the accessory outdoor play area are located at the southeast end of the shopping center building and are accessed through Watkins Park Drive. The proposed enrollment of the daycare center is 150 children.

#### 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. The subject application is in general conformance with the use requirements of Section 27-461(b), which governs the development in a commercial zone. The proposed day care center for children is a permitted use in the C-S-C Zone.
  - b. The subject application is in general accordance with Section 27-462, Regulations, regarding minimum setback for all structures.
  - c. The subject application is also in general conformance with the additional requirements of Section 27-464.02 for a day care center for children in a commercial zone as follows:

**“(a)(1) Requirements.**

**“(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;”**

**Comment:** The required outdoor play area is calculated as 5,625 square feet. The Detailed Site Plan provides 6,400 square feet, which is sufficient to serve the proposed enrollment of 150 children.

- “(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;”**

**Comment:** The outdoor play area is located in the southeast corner of the existing shopping center building on the property of the shopping center, which is at least 25 feet from any adjoining residential uses. The play area is proposed to be enclosed by a six-foot-high, vinyl-clad, chain-link fence and two concrete traffic barriers on both ends. The concrete barrier is in the form of a continuous low concrete wall. No height information has been provided for the wall. Since the proposed play area is fronting an active alley providing access to existing loading spaces, the proposed fence and wall will not sufficiently protect the health and safety of the children utilizing the play area. Two conditions of approval for upgraded fence and wall have been proposed in order to protect the children from noise and exhaust fumes from trucks.

- “(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;**

**Comment:** The outdoor play area adjoins the day care building to its southeast and will be safely accessed directly from the building without crossing any hazardous area, such as a street or driveway.

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

**Comment:** The applicant has proposed a 24-foot by 24-foot shade structure on the outdoor playground. The shade structure is sufficient to afford protection from the sun during the warmer months.

- “(iv) 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”**

**Comment:** Outdoor play will occur only during daylight hours, if the weather permits.

**“(vii) Outdoor play shall be limited to the hours between 7 A.M. and 9 P.M.”**

**Comment:** The owner of the day care center indicates that normal outdoor play hours will be 11 A.M. - 12 P.M. and 4 - 5 P.M.

8. **Landscape Manual:** The subject application is generally exempt from the requirements of the applicable sections of the *Landscape Manual*, because the proposed day care will be part of the existing shopping center building and does not involve any increase in gross floor area of the shopping center.
9. **Woodland Conservation Ordinance:** The property is not subject to the provisions of the Prince George’s County Woodland Conservation Ordinance because there are less than 10,000 square feet of existing woodland and there are no previously approved Tree Conservation Plans. A letter of exemption was issued for this site on August 8, 2003.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. Major referral comments are summarized as follows:
  - a. The Permit Review Section, in a memorandum dated November 3, 2003, provided no comments on this application.
  - b. In a memorandum dated November 3, 2003, the Subdivision Section staff indicated that there are no subdivision issues with this application.
  - c. The subject application was also referred to the Department of Environmental Resources. In a memorandum dated November 3, 2003, the staff noted that his office has no objection to this project.
  - d. The Transportation Planning Section in a memorandum dated October 16, 2003, offered no comment on the site plan.

In a separate memorandum from the Transportation Planning Section dated November 13, 2003, on detailed site plan review for master plan trail compliance, the trails planner noted that there are no master plan trails issues with this application.
  - e. In a memorandum dated November 12, 2003, the Community Planning Division noted that:

“This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

“This application is in conformance with the land use recommendations of the Bowie-Collington-Mitchellville master plan.”

- f. The Environmental Planning Section, in a memorandum dated October 13, 2003, indicated that the plans as submitted have been found to address the environmental constraints for the site. The staff recommended approval of this application.
  - g. The Child Care Administration of the State of Maryland had not responded to the referral request at the time the staff report was written. The applicant has submitted a draft Summary of Findings, Child Care Center Inspection Report, by the childcare specialist who visited the site early this year. Per the findings, no major issues were identified.
  - h. The Department of Public Works and Transportation (DPW&T) had not responded to the referral request at the time the staff report was written.
  - i. A referral request was also sent to the State Highway Administration (SHA) which stated that it has no objections to the subject application.
13. The Detailed Site Plan represents 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 DSP-03040, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall make the following revisions:
  - a. Provide additional concrete traffic barriers no less than three feet in height to enclose the entire perimeter of the outdoor play area.
  - b. Replace the proposed chain-link fence with a solid wood or vinyl fence at least six feet in height.
  - c. Show the correct numbers of parking spaces that are existing on the site and proposed to accommodate the proposed day care facility in the parking tabulations.

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Eley and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 11, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of December 2003.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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