

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 July 29, 2004, regarding Detailed Site Plan DSP-03069 for Flowers Family Daycare, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care center facility for 40 children to be located in an existing one-story frame building in the C-O Zone.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-O	C-O
Use(s)	Art Studio	Daycare
Acreage	0.467	0.467
Total Square Footage/GFA	1,625	1,625

OTHER DEVELOPMENT DATA

	EXISTING	PROPOSED
Enrollment number	N/A	40 children
Playground area required	N/A	1,500 square feet
Playground area provided	N/A	1,500 square feet
Total parking spaces	5 spaces (5 spaces required)	5 spaces
Loading space	0	0

3. **Location:** The site is located at 9340 Lanham Severn Road, in Planning Area 70, Council District 3.
4. **Surroundings and Use:** The subject property is bounded to the south by the right-of-way of Lanham Severn Road; to the east by an existing office in the C-O Zone; to the west by an existing single-family residence in the R-80 Zone; and to the north by another existing single-family detached residence in the R-80 Zone.
5. **Previous Approvals:** The property was rezoned from R-R to C-O on April 29, 1980, by the first Glenn Dale/Seabrook sectional map amendment (SMA). The subsequent SMA in 1993 retained the property in the C-O Zone. The subject site has a previously approved permit 3387-80-CGU, which was approved for the conversion of the building from a single-family dwelling to a photo studio. The approved plan indicated compliance with all applicable regulations in effect at that time. The subject application is to use the existing building as a day care center for 40 children.

6. **Design Features:** The subject site is located at the end of the T-intersection of Lanham Severn Road and Carter Avenue. The existing L-shaped, one-story frame building is located approximately 39 feet away from the right-of-way of Lanham Severn Road with the long leg of the L parallel to the roadway. The proposed parking and play area are located at the rear of the property behind the existing building. A six-foot-high redwood board-on-board fence will be installed along the northern, western and eastern property lines. The existing building was used as a photo studio. The subject application will use this building as a day care facility for 40 children without increasing the gross floor area of the existing building.

One outdoor play area of approximately 1,500 square feet has been provided between the parking lot and the day care building with several shade trees and a four-foot-wide walk leading to the building. No recreational equipment has been shown on the plan. The playground and equipment should be in conformance with the standards of both CPSC (U.S. Consumer Product Safety Commission) and ASTM (American Society for Testing and Materials).

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-O 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, which governs permitted uses in the commercial zone. The proposed day care center for children is a permitted use in the C-O Zone.
 - b. The subject application is also in general conformance with the additional requirements of Section 27-464.02, for a day care center for children.
8. **Landscape Manual:** The proposed day care center is generally exempt from the requirements of the applicable sections of the *Landscape Manual*, because the proposed day care DSP shows a site plan that is the same as the previously approved plan (3378-80-CGU) for the conversion of this building from a single-family dwelling to a photo studio. The approved plan for the photo studio predated the *Landscape Manual* and was in general compliance with all applicable regulations in effect at that time with regard to landscaping and parking lot design standards. In addition, the proposed day care center does not involve any increase in gross floor area of the existing building.
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 in area, it contains less than 10,000 square feet of woodland and does not have a previously approved tree conservation plan. A tree conservation plan is not required. A standard exemption for this site was issued on March 31, 2004, and will be valid through March 31, 2006.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. Major referral comments are summarized as follows:

- a. The Transportation Planning Section, in a memorandum dated April 23, 2004, indicated that a revised plan must be submitted for a second review because the size of the proposed day care may have access impacts along Lanham Severn Road. In a second memorandum dated June 1, 2004, after a review of the revised plan, the Transportation planner concluded that the revised plan is acceptable.
 - b. The Subdivision Section, in a memorandum dated April 22, 2004, noted that there are no subdivision issues with this application.
 - c. The State Highway Administration, in a memorandum dated July 20, 2004, has no objection to the approval of Detailed Site Plan DSP-03069, for Flower's Family Daycare.
 - d. The Permit Section, in a memorandum dated May 5, 2004, offered 24 comments on the DSP regarding the site plan's compliance with the Zoning Ordinance and the *Landscape Manual*. A revised plan was submitted in response to the comments of the Permit Section. The Permit Section staff reviewed the revised plan and provided 13 comments. The applicant addressed most of the comments by revising the plan once again. The conditions of approval, as provided in the recommendation section of this report, will address outstanding issues.
 - e. The Child Care Administration of the State of Maryland had not responded to the referral request at the time the staff report was written.
 - f. The City of New Carrollton had not responded to the referral request at the time the staff report was written.
11. As required by Section 27-285(b), 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-03069, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall make the following revisions:
 - a. Provide a label on the site plan to indicate that playground fence is four feet in height.
 - b. Provide outdoor play area calculations on the site plan.
 - c. Provide the zoning designation of "C-O" on Lot 12.
2. Prior to certificate approval of this detailed site plan, the applicant shall submit a copy of the

stormwater management concept approval letter or a letter of exemption to the Urban Design Section.

3. The outdoor playground and equipment shall comply with the U.S. Consumer Product Safety Commission and American Society for Testing and Materials standards.

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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire, Eley, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 29, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 23rd day of September 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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