

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 January 6, 2005, regarding Detailed Site Plan DSP-04002 for The Sanctuary (formerly known as Glendale Baptist Church), Private School and Day Care Center at Kingdom Square (also known as Hampton Mall), the Planning Board finds:

1. **Request:** Detailed Site Plan DSP-04002 was submitted in accordance with Sections 27-464.02(a)(2) and 27-463(a)(2)(A), which requires a detailed site plan for all day care centers and private schools in commercial zones. The subject property is zoned C-S-C (Commercial Shopping Center). The applicant proposes to establish a day care center for children and a private school within an existing integrated shopping center known as Lot 8, Block H, of Hampton Park and residue Parcel E of Hampton Mall.

2. **Site Plan Data:**

	<b>Existing</b>	<b>Proposed</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Commercial Shopping Center	Day care Center/Private School
Acreage	24.53	24.53
Lots	Lot 8	Lot 8
Square footage/GLA	246,170	289,892
Dwelling Units:	None	None

Other Development Data:

	<b>Required</b>	<b>Provided</b>
Parking Spaces	1,160	1,342
Loading Spaces	5	6

3. **Location:** The property is located on the southwest quadrant of Central Avenue (MD 214) and the Capital Beltway Interchange (I-95/I-495). The project address is 7610 Central Avenue in Landover, in the 6th Councilmanic District and in Planning Area 75B.
4. **Surroundings and Use:** The project is directly adjacent to the Capital Beltway and has frontage on Central Avenue. To the southwest are integrated shopping centers, one of which includes Home Depot. To the south is the Hampton Park industrial park; the lot directly adjacent is used for warehousing purposes.

## 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 uses conform to the specific regulations of Sections 27-464 and 27-463, Day care center for children and private schools. The details of the proposal are as follows:

#### a. Proposed Day care center for children

- Proposed enrollment: 108 children ranging in age from infant to preschool
- Play area required for outdoor play area 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 = 3,975 square feet
- Area of play area provided: 4,000 square feet
- Hours of operation: not indicated on the plan
- Outdoor play hours proposed: 7 a.m. to 6 p.m.

The day care center is in an interior unit within the shopping center. Access to the play area will be through the front door of the unit, back into the building, through the building, and through a rear fire door. The play area is located on the south side of the building in an area that was used for a loading and service area for the previous retail uses. The play area is proposed to be fenced by an existing six-foot-high fence along the south property line and a noise attenuation fence along the east side of the play area. Noise attenuation from the traffic noise generated from the Capital Beltway traffic is required (see Finding 10 below). The current surface material is asphalt and the applicant proposes to use an interlocking resilient surfacing that will be placed under the play equipment. The staff recommends that the plans be revised to incorporate details and specifications of the interlocking resilient surface material for approximately one-half of the required play area. Shade trees are proposed on the south side of the play area. Details of the new fencing should include black vinyl clad and should be a minimum of four feet high.

#### b. Private School

- Proposed enrollment: 140 students ranging from kindergarten to the 8<sup>th</sup> grade
- Outdoor play area of 100 square feet per child for the total enrollment = 14,000 square feet

- Area of play area provided: 14,585 square feet
- The play area is proposed to be fenced with a chain-link fence

The private school is proposed within the existing structure on the first and second floors of the building, including 2,400 square feet on the first floor and 10,860 square feet on the second floor. The play area for the school is also located on the south side of the building, separate but adjacent to the day care center play area.

6. The staff conducted a site visit in October. The church is located on the west side of the building, in a space previously occupied by Ames. Tenant mix in the development currently includes Staples, Bally's Health Club, a beauty parlor, restaurants, and other miscellaneous uses. The maintenance and condition of the overall site is fairly well kept, considering the age of the shopping center. Drainage problems exist; the existing fencing is overgrown with vines and overall clean-up of the rear portion of the site is needed. The existing trash facilities on the site are not screened. The presence of rodent infestation was not apparent during the site visit. The staff recommends that the trash dumpsters be relocated away from the proposed day care play area, yet convenient to the tenants, and that the dumpsters be screened with a six-foot-high, board-on-board fence with sight-tight gates. As in all shopping centers where food service is provided in combination with day care centers, measures to control rodent infestation should be taken under guidance from the Department of Health.
7. All site changes occur at the rear of the shopping center. The plan does not clearly label parking facilities for the private school or the day care center. The staff recommends that the plan be revised to show the location of parking spaces to be used for the day care center and that the spaces be marked in the field for use by patrons only during the hours of operation. In calculating the number of spaces to be included in this number, the applicant should use the number of spaces that would normally be required (one space per eight children) in the Parking and Loading Standards of the Zoning Ordinance. This information should be provided on the plans and clearly marked crosswalks should also be provided to indicate the safe passage of children from vehicles to the day care center and the private school.
8. ***Landscape Manual:*** This detailed site plan is required for the day care center and the private school. However, also shown on the plan is the expansion of the shopping center for use by the church. The plan indicates an increase in square footage of approximately 43,722 square feet. This increase in square footage includes construction of a second floor over the current area designated as church space. Since the proposal for the church includes the addition of gross floor area, the requirements of the *Landscape Manual* apply. This site is subject to Sections 4.2 and 4.7 of the *Landscape Manual*. The plans have demonstrated compliance with the applicable sections of the *Landscape Manual*.

#### **Referral Comments**

9. The Permits Review Section (Hughes to Lareuse, September 8, 2004) has reviewed the plans, and those issues raised by the permit review office that have not been addressed in the revised plans

are included as conditions in the Recommendation section of this report. One of the issues raised involves an area shown on the site plan as a fenced area that was previously shown as parking spaces. This area is currently being used for the storage/display of rental vehicles. A vehicle rental facility in the C-S-C Zone is only permitted by special exception per Section 27-461(b). A vehicle storage yard is not permitted in the C-S-C Zone per Section 27-461(b) of the Prince George's County Zoning Ordinance. Therefore, the staff recommends that a condition of this approval require that the car rental operation cease immediately until a special exception is obtained.

10. The Environmental Planning Section (Metzger to Lareuse, October 14, 2004) has reviewed the above referenced detailed site plan for Hampton Mall (Glendale Baptist Church), DSP-04002, stamped as received by the Countywide Planning Division on August 30, 2004. Staff recommends approval of the detailed site plan subject to one environmental condition.

The Environmental Planning Section previously reviewed several special exceptions for the subject property. This application seeks the approval of a detailed site plan to establish a private school and day care center for children in an existing structure on a developed parcel, totaling 24.534 acres, in the C-S-C Zone.

The subject property is located in the southwest quadrant of the Central Avenue (MD 214)–Capital Beltway (I-95) interchange. The site is relatively flat and is characterized with terrain sloping toward the southwest portion of the site and drains into unnamed tributaries of the Lower Beaverdam Creek watershed in the Anacostia River Basin. The site is developed and contains a high percentage of impervious surfaces. No measurable woodland exists on site. The predominant soil types on the site are Collington and Mixed Alluvial series. These soil types generally exhibit slight to moderate limitations due to steep slopes, high water table, and flood hazard. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this site. There are no floodplains, streams, Waters of the U.S., or wetlands associated with the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. Noise is not a major consideration in the review of the proposal. This property is located in the Developed Tier as delineated on the approved General Plan.

#### Environmental Review

- a. **Woodland Conservation Ordinance:** This site is exempt from the requirements of the Woodland Conservation Ordinance. Although the subject property is more than 40,000 square feet in area, it contains less than 10,000 square feet of woodland and there is no previously approved tree conservation plan. A tree conservation plan will not be required. A standard letter of exemption from the Ordinance was issued by the Environmental Planning Section, Countywide Planning Division, dated August 10, 2004. The associated development must commence prior to expiration of the letter, or a new letter of expiration shall be required. No further action is needed at this time as it relates to woodland

requirements. The letter of exemption should accompany all future applications for plans and permits.

- b. A stormwater management concept approval letter was not submitted with the subject application, nor was there any evidence of compliance. A stormwater management concept approval letter and associated plans may be required during subsequent reviews by the Department of Environmental Resources. No additional information is needed as it relates to stormwater management.
- c. Noise impact is a significant concern in the review of this submittal due to the close proximity of the proposed play areas to I-95. Generally, the noise standards for commercial uses are high enough that the requirements are met. On previous cases, day care centers, being more like residential uses than any other, the Planning Board has found that the applicable state noise standard is 65 dBA (Ldn) for outdoor activity areas and 45 dBA Ldn for interior areas. It appears that the existing buildings will shield the interior areas of this use from the adverse noise impacts of I-95.

The play areas are proposed to be at the rear of the existing building, essentially at the same grade as I-95. They span two linear areas, both of which are within 400 feet from I-95. Based on the noise study submitted, 65 dBA (Ldn) is located at 1,800 feet from the I-95 centerline. The noise study goes on to state that the standard the consultant believes is applicable is 75 dBA (Ldn), the noise standard for “amusements, parks, resorts and camps.” As stated above, the Planning Board, in previous cases, has determined that day care uses are more similar to residential uses than others because they are a place where children eat, sleep, and play, much like in their own homes. The outdoor play areas are similar to their own backyards and as such should be afforded the same protection from adverse noise conditions as would be provided in their own backyards.

The proposed play areas are entirely within the 65 dBA Ldn noise corridor of I-95. The areas should either be eliminated or noise mitigation measures should be provided to reduce noise to 65 dBA Ldn or less. Either eliminate the outdoor play areas from within 1,800 feet of I-95 or provide mitigation measures. Show all proposed methods and provide a section drawing from the right-of-way and through the two play areas.

Comment: The plans have been revised to indicate a revised layout and location of the play area and to show a noise mitigation fence on the plans. The staff recommends the applicant to provide evidence that the noise mitigation technique proposed, or a modification to the details shown on the plans, will reduce the noise levels to no more than 65 dBA. This information can be provided prior to signature approval of the plans. If the applicant is unable to achieve the desired level of noise reduction within the entire proposed play areas, then the applicant shall agree to prohibit outdoor play during rush hour traffic periods, if modeling determines that noise levels will exceed 65 dBA. All details and specification of the mitigation tools, including any fencing, shall be provided on the plans.

- d. The area proposed to be used for the play area appears to contain several easements for sewer and water lines. The plans do not clearly show all these easements. The presence of the easements may prohibit some of the proposed play equipment. Prior to signature approval, the plans should be revised to clearly show all existing easements.
- 11. The Subdivision Section stated that the proposal is exempt from the requirement of a preliminary plan of subdivision.
- 12. The Office of Child Care Licensing offered no comments on the site plan.
- 13. If the conditions of approval are adopted, this detailed site plan, DSP-04055, as required by Section 27-285(b) of the Zoning Ordinance, 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 DSP-04002, subject to the following conditions:

- 1. Prior to certificate approval the plans shall be revised to show the following:
  - a. A note shall be added to the plans stating the outdoor play area shall be limited to daylight hours.
  - b. A note shall be added to the plans stating the hours of operation.
  - c. A note shall be added to the plans indicating that no more than 50 percent of the children can use the play area at any one time.
  - d. The details and specifications of the interlocking resilient surfacing shall be added to the plans.
  - e. The applicant shall provide evidence from an engineer with competence in acoustical engineering that the noise mitigation technique provided on the plans, or a modification to the details shown, will reduce the noise levels to no more than 65 dBA. If the applicant is unable to achieve the desired level of noise reduction within the entire proposed play areas, then the applicant shall agree, by adding a note to the plans, to prohibit outdoor play between 6 and 9 a.m. and between 4 and 7 p.m. if modeling of the noise levels prepared by the applicant determines that noise level will exceed the 65 dBA. All details and specification of the mitigation tools, including any fencing shall be provided on the plans.
  - f. General note number nine shall be revised to correct the section of the Zoning Ordinance from Section 27-465.03 to 464.02 for the day care center requirements.

- g. General Note number seven shall be revised to reflect the correct square footage of the integrated shopping center.
  - h. The parking schedule shall include the dimensions of the parking spaces being provided.
  - i. The plans shall be revised to delineate conveniently located parking spaces to be used for the patrons of the day care center. The number of spaces to be provided shall be that number normally required in the parking and loading spaces and the spaces shall be clearly marked in the field for use by patrons of the day care center.
  - j. The plans shall be revised to indicate crosswalks to be provided for safe passage from the parking compound to the building for the day care center and the private school.
  - k. The proposed fencing shall be called out as black-vinyl-clad chain link. The gate shall have a latch that is located at least four feet from finished grade in the play area and easily operated by adults.
  - l. Show the trash dumpsters located as far as possible away from the proposed play area, yet convenient to the tenants, and that the dumpsters be screened with a six-foot-high, board-on-board fence with sight-tight gates. Provide details and specifications of a sight-tight fence with sight-tight gate to completely screen the dumpsters at the rear of the building from the users of the play area.
  - m. The site plan shall be revised to reflect the improvements shown on building permit #18768-2004-CGU.
2. Prior to certificate of occupancy for this day care center and the private school:
- a. The applicant shall submit evidence of measures taken to control rodent infestation approved by or in collaboration with the Prince George's County Department of Health.
  - b. All outdoor storage shall be removed from the rear of the building. Clean up of the area at the rear of the building shall include removal of soil in asphalt areas and drainage problems shall be corrected.

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, January 6, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6<sup>th</sup> day of January 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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