

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 30, 2004, regarding Detailed Site Plan DSP-04019 for Summerfield at Morgan Boulevard Day Care Center, the Planning Board finds:

1. **Request:** The subject request is for a day care center for 80 children in the M-U-I Zone within the Morgan Boulevard Metro Station area. The Washington Metropolitan Area Transit Authority (WMATA) is constructing the day care center on its property to serve patrons using the Metro system. The proposal to construct the day care facility was in response to citizens' concerns.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	M-U-I	M-U-I
Use(s)	Subway Station	Subway Station and Day Care Center
Acreage	54.9 acres	54.9 acres
Lots	N/A	N/A
Parcels	1	1
Square Footage/ GFA	N/A	9,960 square feet

3. **Location:** The subject property, consisting of 54.9 acres, is located on the north side of Central Avenue, west of Garrett A. Morgan Boulevard, and south of the Morgan Boulevard Metro Station in Planning Area 72, Council District 5. The proposed day care center is on the north side of the parking area for the Metro station. Access to the day care center is from the parking area for the Metro station.

4. **Surroundings and Use:** The adjacent properties are as follows:

North—	Morgan Boulevard Metro Station
South—	Central Avenue
East—	Garrett A. Morgan Boulevard
West—	Single-family residential zoned R-80

5. **Previous Approvals:** None for the proposed day care center.
6. **Design Features:** The proposed day care center building will have a standing seam metal roof with skylights, brick façade with split-face CMU accent bands and glazed doors and windows. Three play areas are proposed on three sides of the day care center. The proposed day care center

will be set back approximately 78 feet from the Metro station to the north. A 46-foot-wide embankment with a seven-foot high fence is proposed on the north side of the day care center and the south side of the Metro station to screen the day care center from the station. The embankment will serve as a visual and noise buffer for the day care center and the play areas. There will be 23 parking spaces for the day care center provided on the east side of the day care center building.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject proposal was reviewed for compliance with the requirements of the M-U-I Zone and Section 27-464.02(a)(2), which requires a detailed site plan for all day care centers in residential and commercial zones.

Section 27-546.17, Uses, of the Zoning Ordinance states that all uses permitted by right or by special exception in the C-S-C Zone, as provided by Section 27-461(b), are permitted by right in the M-U-I Zone, except as follows:

- (2) Use restrictions may be imposed on a property when the M-U-I Zone is approved, whether the approval is in a sectional map amendment, a D-D-O zoning map amendment, a municipality-owned property case, or an individual site plan case.

The sector plan and proposed sectional map amendment for the Morgan Boulevard and Largo Town Center areas lists a day care center as a permitted use in the M-U-I Zone if the requirements of Section 27-464.02 for day care centers are met.

The details of the proposal are as follows:

- Proposed enrollment: approximately 80 students.
- Parking required by Section 27-582 for a day care center: 1 per 8 children= 10 spaces.
- Parking provided for 80 children: 23
- Play area required by Section 27-464.02: 75 square feet of play space per child 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.
- Number of children to use the play area at one time: 40
- 50 percent of the licensed capacity: 40
- Area of play area required: $80 \times 75 \times 0.5 = 3,000$ square feet.

- Area of play area provided: approximately 3,063 square feet of total area. The applicant is providing three play areas on three sides of the day care center. The combined area of the three proposed play areas will be 3,063 square feet.
- Outdoor play hours allowed by Section 27-464.02: 7.00 a.m. to 9.00 p.m.

The applicant has not provided the hours of operation of the day care center and the proposed play hours. Conditions of approval have been added to require the applicant to provide the hours of operation and the proposed play hours. With the proposed conditions, the proposed parking, square footage of the play area, and hours of outdoor play will be consistent with the requirements of Section 27-464.02, day care center for children, of the Zoning Ordinance.

Section 27-464.02, day care center for children, states (in part):

- (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;**
- The proposal complies with this requirement.
- (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 setback 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;**

The play area will not be located within 25 feet of any dwelling on an adjoining lot. The applicant has proposed a four-foot-high aluminum picket fence with a gate for the play areas. The proposed fence will be sufficient to completely enclose the play area to ensure safety of the children utilizing it and prevent the children from wandering into the service driveway. The purpose of the gate is to ensure the safety of the children by preventing them from wandering into the parking lot while going in and out of the day care center and the play area. The gate must be closed when the children are in the play area to ensure their safety. The gate must have a latch that is located at a minimum height of three feet from the finished surface of the walkway so that the children cannot access it. The gate must not be locked but the latch must be designed in such a way that it can be easily operated by adults. A condition of approval has been added to ensure these safety requirements.

- (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;**

The play areas are not located off-premises but are proposed on three sides of the day care center building.

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

The applicant will be providing landscaping consisting of shrubs, groundcover and turf within the play areas. A condition of approval has been added to require an outdoor shade structure for the play area to provide sufficient shade during the warmer months.

- (vi) **Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to ensure safe operation of the area; and**

A condition of approval has been added to require the applicant to provide information regarding the proposed lighting for the play area.

- (vii) **Outdoor play shall be limited to the hours between 7 a.m. and 9 p.m.**

A condition of approval has been added to require the applicant to provide information regarding the outdoor play hours.

With the proposed conditions, the proposal is consistent with the requirements of Section 27-464.02 regarding screening and safety and shade requirements of the play areas.

8. ***Landscape Manual:*** The proposed day care center building is located within the group of buildings and parking areas for the Morgan Boulevard Metro Station. The Morgan Boulevard Metro Station was not generally subject to the requirements of the *Landscape Manual* because it was for a public use. The Permits Review Section did not, however, indicate that compliance with Section 4.3(c) of the *Landscape Manual* for the day care center only should be required if the area of the parking lot for the day care center were more than 7,000 square feet. The proposed day care center parking lot is also not subject to the requirements of the *Landscape Manual* because the area of the parking lot is less than 7,000 square feet.
9. **Woodland Conservation Ordinance:** Compliance with the Woodland Conservation Ordinance is addressed in Findings 11.g and 11.h.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. Major referral comments are summarized as follows:
 - a. In a memorandum dated June 28, 2004, the Permits Review Section has required minor changes to the site plan. Conditions of approval have been added to require the same.

- b. In a memorandum dated August 10, 2004, the Subdivision Section has stated that Section 24-107(c)(5) exempts the transfer of property to a governmental agency for a public use from the preliminary plan approval requirement. Since Metro stations provide public transit, they are considered public uses. Therefore, the station and associated parking are exempt from the requirements of the Subdivision Regulations. The proposed day care center is being constructed by WMATA on their property to serve patrons using the Metro system in response to citizens' concerns. WMATA believed that they were exempt from local zoning and subdivision regulations. This was an error. However, since the day care use is tied to the Metro facility, no public purpose is served by now requiring preliminary plan approval. Future development of this site with private commercial, institutional and/or residential uses will require Preliminary Plan of Subdivision approval.
- c. In a memorandum dated July 9, 2004, the Washington Suburban Sanitary Commission has stated that water extensions will be required for the project and an on-site review package must be submitted for review.
- d. In a memorandum dated July 6, 2004, the Department of Environmental Resources has stated that they have no objections to this project.
- e. In a memorandum dated September 13, 2004, the Transportation Planning Section has stated that the site plan is acceptable.
- f. In a memorandum dated August 13, 2004, the Community Planning Division has stated that the subject property is in the Developed Tier. The subject day care center conforms to the 2004 Approved Morgan Boulevard and Largo Town Center Metro Areas Sector Plan land use recommendations. The 2004 sectional map amendment (SMA) rezoned the property from the R-R Zone to the M-U-I Zone. The proposed day care center is currently under construction. There are no sector plan issues associated with this application.
- g. In a memorandum dated July 29, 2004, the Environmental Planning Section has stated that the site has not been previously reviewed by the Environmental Planning Section. The proposal is subject to the requirements of the State Forest Conservation Act and requires review by the Department of Natural Resources for conformance with the Forest Conservation Act. No streams, 100-year floodplains and areas of steep slopes are found to occur on the subject property. A wetland and its associated buffer are shown on the site plan. The soils found on the property are Collington and Sunnyside series. The soils exhibit slight to moderate limitations to steep slopes. No Marlboro clay is found on the property. There are no rare, threatened and endangered species in the vicinity of this property. This property is located in the Southwest Branch watershed of the Patuxent River Basin and in the Developed Tier as reflected in the approved General Plan. Conditions of approval have been added to require information regarding compliance with the Forest Conservation Act and to require the applicant to show the 65 dBA Ldn

noise contours and mitigation measures if applicable for all noise impacted outdoor activity areas. The Section has stated that the Department of Environmental Resources will determine stormwater management requirements for this site.

- h. In a memorandum dated August 20, 2004, the Maryland Department of Natural Resources has stated that the proposed day care center is located within the limits of disturbance for the WMATA project. The Forest Conservation Plan for the entire project was determined to be complete and has been approved.
- 11. A referral was sent to the Maryland State Child Care Licensing Office. No comments have been received as of this date.
- 12. 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-04019, subject to the following conditions:

- 1. Prior to certification of the Detailed Site Plan,
 - a. The site, landscape and architectural drawings shall be revised to show the following:
 - (1) Parking schedule showing the required and proposed number of parking spaces
 - (2) Parking space dimensions at a minimum of 9.5 feet x 19 feet
 - (3) Gross floor area of the proposed day care center building
 - (4) Height of the proposed building
 - (5) 65 dBA Ldn noise contours
 - (6) A note stating that the proposed gate for the play area shall be closed when the children are in the play area to ensure their safety. The gate shall have a latch that is located at a minimum height of three feet from the finished surface of the walkway so that the children cannot access it. The gate shall not be locked, but the latch shall be designed in such a way that it can be easily operated by adults.
 - (7) A note stating that an outdoor shade structure for the play area shall be provided for sufficient shade during the warmer months

- (8) Information regarding the proposed lighting for the play area.
 - (9) Information regarding the outdoor play hours
 - b. A copy of the approved Forest Conservation Plan shall be submitted to the Environmental Planning Section
2. Prior to issuance of building permits for the day care center if determined to be within the 65 dBA Ldn corridor, the building permits shall be modified to contain certification by a professional engineer with competency in acoustical analysis that the building shells have been designed to attenuate noise levels to 45 dBA Ldn or less.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns, Eley, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 30, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of October 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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