

RESOLUTION

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 June 22, 2006, regarding Detailed Site Plan DSP-05029 for Our Learning Place Center, LLC. the Planning Board finds:

1. **Request:** To review the proposal for a day care center with a proposed enrollment of 90 children within the Penn-Ville shopping center.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	I-1	I-1
Use(s)	Day Care	Day Care
Acreage	11.2	11.2
Parcel	3	3
Square Footage	7,425	7,425

## OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>PROPOSED</b>
<b>PARKING</b>		
Showroom (74,496 sq. ft.)	149	
Warehouse (112,900 sq. ft.)	73	
Retail-low parking generator (23,000 sq. ft.)	46	
Day Care center	12	
Total Parking	280	341

3. **Location:** The site is in Planning Area 69, Council District 6. More specifically, it is located at the northeast intersection of Pennsylvania Avenue and Forestville Road and directly south of Old Marlboro Pike.
4. **Surroundings and Use:** The subject property is bounded to the northeast by Old Marlboro Pike, to the east by a self-storage development, to the south by Pennsylvania Avenue and Forestville Road, and to the west by another shopping center.
5. **Previous Approvals:** The property is the subject of Record Plat WWW 78@75.

6. **Design Features:** The subject site is accessed from Old Marlboro Pike. The day care center is proposed near the entrance into the site. The play area is proposed directly across the sidewalk from the entrance into the center.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone, the site plan design guidelines and the provisions regarding day care establishments of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-475.02, which governs permitted uses in commercial zones. The proposed day care is a permitted use in the I-1 Zone.
  - b. The proposal is also in conformance with the requirements of Section 27-474, Regulations, regarding additional regulations for development in industrial zones.
  - c. The proposed day care is in conformance with Section 27-475.02 regarding day care centers in industrial areas except as indicated below. Section 27-475.02, 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;**

Comment: The plans and photos provided in support of this case indicate an existing play area of 2,032 square feet. A play area of this size will only support 54 students, if only 50 percent of the licensed capacity use the play area at one time. The staff recommends a condition that reduces the proposed enrollment from 90 to 54 students, or that the plans be revised prior to signature approval to enlarge the play area to a minimum of 3,375 square feet of area.

- (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;**

Comment: There are no adjacent dwellings on any of the lots and the play area is enclosed with a six-foot high fence.

- (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;**

Comment: A greater setback is not necessary from the adjacent property.

- (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 play areas are not located off-premises and are located within a safe distance of the center. Crossing of vehicular pathways is not required to access the play area.

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

Comment: An existing 18-inch diameter shade tree is shown on the plan within the play area. This tree will provide ample shaded area within the play area. Additional shade area will be provided with a pavilion.

- (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**

Comment: The plans indicate the hours of the play area will be limited between 9:00 a.m. and dusk.

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

Comment: The plans indicate the hours of the play area will be limited between 9:00 a.m. and dusk.

With the proposed conditions, the proposal is consistent with the requirements of Section 27-475.02 regarding screening, safety and shade requirements of the play areas.

8. **Record Plat WWW 75@78** - The property is the subject of a final plat which was approved on March 23, 1972, for Penn-Ville Center, Parcels A & B. The plat is recorded in land records as WWW 78@75 with no plat notes. Since the applicant is only proposing an outdoor play area and no additions to the existing footprint of the building are proposed, a new preliminary plan of subdivision is not required in accordance with Section 24-111(c) of the Subdivision Regulations. The proposed detailed site plan is in conformance with the record plat.
9. **Landscape Manual:** The proposed development is subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip Requirements, and Section 4.3, Parking Lot Landscape

strip.

The Permit Review staff reviewed the proposed revised site and landscape plan and found that the submittals are not in compliance with the applicable sections of the *Landscape Manual*. The plan does not reflect previous permit approvals that demonstrated conformance to the *Landscape Manual*. Permit 11459-1989 was the last approved permit requiring a 10-foot landscape strip to be provided along Forestville Road and Old Marlboro Pike. The site plan must be revised to demonstrate compliance. A recommended condition below ensures compliance.

10. **Woodland Conservation Ordinance:**

This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there are less than 10,000 square feet of existing woodland. A Type I Tree Conservation Plan was not submitted with the review package and is not required. A Standard Letter of Exemption from the Ordinance from the Environmental Planning Section will be required as part of the application for any grading and building permit.

**Comment:** A Standard Letter of Exemption from the Woodland Conservation Ordinance should be obtained from the Environmental Planning Section prior to application of any building or grading permit.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Community Planning Division** reviewed the application and in a memorandum dated April 13, 2006, provided the following comments:

This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier corridors. This application conforms to the land use recommendations of the 1986 *Approved Master Plan and Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*.

The environmental features map shows the entire site in a perceptually sensitive area. Perceptual liabilities are negative features that detract from an area. These include aircraft and highway noise intrusion, air pollution, aircraft accident potential, and negative visual impacts (p.67). The site is within the Andrews Air Force Installation Compatible Use Zone (AICUZ), Accident Potential Zone II (APZ II), and aircraft noise impact zone. Noise Control is recommended on the open space implementation map.

Every consideration should be given in the design of the play area to minimize the disturbing influences of the surrounding commercial uses. Specifically, the play area should provide suitable protective buffering and screening; and the orientation of amenities should be away from surrounding commercial uses.

- The proximity of the Marlow Furniture Showroom and home furnishings and related stores' truck routes and parking spaces may create a hazardous situation, with little room to maneuver through the congested areas between the play area and the parking area. Special attention should be given to pedestrian movement and the impact of vehicular traffic on the safety of children in the play area. The application should demonstrate adequate access and internal circulation with respect to the surrounding uses.

Comment: The plans indicate a safe movement of the children to the play area.

- Vehicular and pedestrian access to this site is particularly important to ensure safe and convenient access for walk-in children and for those arriving by bus or other vehicles. Walking distances and various barriers to pedestrian movement and the influence of automobile traffic on the safety of children at the facility should be carefully considered. The application should demonstrate adequate access and internal circulation with respect to the surrounding uses.

Comment: The subject site is located in an industrial zone. It is unlikely that walk-in children will be patrons of the site, particularly since there are not any residences in the immediate area.

- Potential Zone II (APZ II), and aircraft noise impact zone: The noise contour map (pg. 60) shows the site within an area with maximum possible traffic and or aircraft noise levels that exceed 65 decibels (65 dBA). Accordingly, page 59 of the master plan states: "An average noise level exceeding 65 dBA is generally considered to be "unacceptable" for receptors such as residences, schools, hospitals and the outdoor environment reasonably pleasant for recreation and social activities.

Comment: The Planning Board has reviewed the application for noise issues and found that the pavilion proposed in the play area will not substantially reduce noise levels.

Additionally, the subject property is located in Accident Potential Zone II. This is an area that has a "significant" aircraft accident potential, according to the 1998 AICUZ study. Although the aircraft accident potential is not so great as to warrant acquisition by the Air Force (with five percent of the accidents studied), "land use planning and controls are strongly encouraged in these areas for the protection of the public."

Comment: The current legislation found within the Zoning Ordinance, Part 10B, Airport Compatibility does not address the issue of uses within the AICUZ study area, Accident Potential Zone II for Andrews Air Force Base. No referral has been received by this office for the subject application.

**Transportation**—In a memorandum dated March 14, 2006, the Transportation Section stated that

there are no trip caps or other conditions that would affect the development of this use.

**Permits**—In a memorandum dated March 15, 2006, the Permit Review Section stated the following:

- a. The parking schedule must be updated. The play area that the day care will now occupy should be deducted from the retail space. The parking required for the day care should be provided with an overall required and provided parking tabulation.
- b. This applicant has an approved use and occupancy permit for tutoring, before and after care, and a school for self-defense. If any of these activities continue, additional parking may be required. If not, a note should be placed on the site plan.

Comment: The application should be amended prior to signature approval if any of the above activities are planned to continue.

**Environmental Planning**—The Environmental Planning Section has reviewed the above-referenced detailed site plan for Our Place Learning Center, DSP-05029, stamped as received by the Countywide Planning Division on June 5, 2006. The plans as submitted have been found to require additional information and/or revisions. Complete comments cannot be provided until revised plans and the requested information have been submitted. The Environmental Planning Section reserves the right to make additional comments once the required information has been submitted.

### *Background*

The Environmental Planning Section has no record of any previous applications for the subject property. This application seeks the approval of a detailed site plan for a day care facility to be established within an existing structure, on a parcel totaling 8.75 acre, in the I-1 Zone.

### *Site Description*

The subject property is located on the south side of Marlboro Pike west of Forestville Road on Marlo Lane, approximate 400 feet east of Forestville Road. The site is relatively flat and characterized with terrain sloping toward the southwest portion of the site and drains into unnamed tributaries of Henson Creek watershed in the Potomac River Basin. The predominant soil types found to occur on the site according to the Prince George's County Soils Survey are Beltsville, Sassafra and Croom. These soils generally exhibit slight to moderate limitations to development due to perched water table, impeded drainage and steep slopes. Based on information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication entitled "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 US, or wetlands associated with the site. There are no Marlboro clays or scenic or historic roads located on or adjacent to the subject property. The site is located in close proximity to major noise generators including Andrews Air Force Base operations. However, the severity of noise impact is reduced due to the I-1 zoning designation. Forestville Road and

Marlboro Pike Road are both county-maintained collectors and generally not regulated for noise impacts. This property is in the Developed Tier as delineated on the approved 2002 General Plan.

*Environmental Review*

Based on the most recent Air Installation Compatible Use Zone Study released to the public in August 1998 by the Andrews Air Force Base, aircraft-related noise is significant on this property. The study indicates that the noise levels on this site are between 75 and 80 dBA Ldn. These noise levels are above the state noise standards for residential-type uses (65 dBA Ldn).

Forestville Road is a county-maintained collector roadway. Due to the distance between the roadway and the outdoor play area, the noise from the roadway will not impact the play area.

**Urban Design**—The pavilion, proposed as a 10 by 10-foot structure, should be enlarged to a 10 by 12-foot structure in order to allow for the placement of a typical eight-foot-long handicap-accessible picnic table. The plan should be revised prior to signature approval to allow for sufficient room to maneuver and place a wheel chair at the end of the table.

**Department of Environmental Resources (DER)**—Stated that they had no objection to the proposed plan.

**Maryland Department of Human Resources**—At the time of this writing, staff has not received comment from the Maryland Department of Human Resources.

**District Heights and Morningside**—At the time of this writing, these municipalities have not offered comment on the proposed project.

12. As required by Section 27-285(b) of the Zoning Ordinance, 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-05029, subject to the following conditions:

1. Prior to signature approval of the proposed detailed site plan, the following revisions shall be made to the plans or required items shall be submitted:
  - a. The plans shall be revised to either reduce the enrollment from 90 to 54 students or the plans shall be revised to enlarge the play area to a minimum of 3,375 square feet.
  - b. The plans shall be revised to indicate conformance to Sections 4.2 and 4.3 of the *Landscape*

*Manual.*

- c. The general notes and parking schedule should be amended to include any additional activities, such as tutoring, before and after care, and/or a school for self-defense.
- d. The plans shall be revised to delineate conveniently located parking spaces to be used by the patrons of the day care center. The spaces shall be clearly marked in the field for use by the patrons of the day care center.
- e. 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.
- f. The pavilion shall be deleted from the plans.



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 Clark, with Commissioners Eley, Clark, Squire and Parker voting in favor of the motion, and with Commissioner Vaughns opposing the motion at its regular meeting held on Thursday, June 22, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20<sup>th</sup> day of July 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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