

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 November 9, 2006, regarding Detailed Site Plan DSP-05082 for YMCA Potomac Overlook, Fort Washington Shopping Center, the Planning Board finds:

1. **Request:** The subject application requests the establishment of a day care center for 90 children between the ages of 2–12 years in an existing YMCA building within the shopping center.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	C-S-C	C-S-C
Use(s)	YMCA Facility	Day Care
Acreage	0.8087	0.8087
Parcels	1	1
Building Square Footage/GFA	35,742	35,742
Day Care Square Footage	NA	3,579
Day Care Indoor Play Area	NA	1,968
Gym	2,920	2,920
Outdoor Play Area	0	607

**Other Development Data**

	<b>REQUIRED</b>	<b>PROVIDED</b>
Parking Tabulation		
Standard Parking Space	301	425*
Handicapped Space (Van Accessible)	2	2
Loading Space (12' x 33')	2	2 (12.5' x 60')

\* Note: 140 Common Spaces are provided within the shopping center.

3. **Location:** The site is in Planning Area 80, Council District 8. More specifically, it is located at the northwest quadrant of the intersection of Indian Head Highway (MD 210) and Fort Washington Road.
4. **Surroundings and Use:** The subject property is bounded to the north by a vacant lot in the R-E Zone, to the east by Indian Head Highway, to the south by various commercial and industrial land uses, and to the west by various commercial uses.

5. **Previous Approvals:** The subject site has an approved letter of exemption from the Woodland Conservation Ordinance issued on August 30, 2005, and effective until August 30, 2007. The site is greater than 40,000 square feet, but it contains no woodland, and has no previously approved tree conservation plan, thus it is exempt from the ordinance.
6. **Design Features:** The proposed day care center measures 5,547 square feet and is located within the existing YMCA building, in an established shopping center. The site is accessed along Fort Washington Road and the MD 210 service road. The YMCA building is a one-story brick building with 35,742 square feet of gross floor area, located in the northeast corner of the site. There are three building-mounted signs on the front elevation of the YMCA building. The applicant did not propose additional signage for the day care facility. The proposed day care center consists of 3,579 square feet for four classrooms, and a 1,968 square-foot indoor play area within the YMCA building. The use of the gymnasium by children attending day care will be on a scheduled daily basis. The applicant is requesting a variance from Section 27-464.02(a)(1)(A)(i) and (ii), Outdoor Play Area, which requires 3,375 square feet of outdoor play area for the proposed enrollment of 90 children aged 2-12. The applicant is proposing 607 square feet of fenced outdoor play area to the east of the YMCA building. The proposed outdoor play area would replace the existing loading dock area previously used by the former supermarket. The staff recommends improvement of the outdoor play area by providing tree planters for the shade trees, replacement of the two loading doors with glass windows or glass blocks to bring more light into the indoor play area, and improvement of the building façade. The staff also recommends providing building-mounted lighting for the outdoor play area. The existing paved surface should be replaced with safe, rubber-surfaced materials for the outdoor play area. The applicant proposes fencing and use of bollards for the outdoor play area. Staff recommends six-foot-high vinyl fencing for the outdoor play area. The applicant proposes a visually interesting and colorful indoor play area for the children. The children attending the day care center will use the gymnasium on a daily scheduled basis in addition to the indoor play area specifically provided for them. The hours of operation for the day care facility are between 6 a.m. and 7 p.m.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in C-S-C Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the requirements of Section 27-461(b), which governs permitted uses in commercial zones. The proposed day care is a permitted use in the zone.
  - b. The proposal is also in conformance with the requirements of Section 27-462, Regulations, regarding regulations for development in commercial zones.
  - c. The project is also subject to the requirements of Section 27-464.02, Day Care Center for Children. The detailed site plan is in general compliance with the requirements of Section

27-462, Regulations, for development in the C-S-C Zone, with the following exception for which the applicant has filed a variance application:

**Section 27-464.02(a)(1)(A)(i) and (ii), Outdoor Play Area:**

**(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 square feet of play space per child for fifty percent of the licensed capacity or seventy-five square feet per child for the total number of children to use the play area at one time, whichever is greater;**
- (ii) All outdoor play areas shall be located at least twenty-five feet from any dwelling on an adjoining lot, and shall be enclosed by a substantial wall or fence at least four feet in height;**

**Comment:** The outdoor play area should be at least 75 square feet of useable space per student. The applicant is providing day care services for 90 students, thus requiring an outdoor play area of 3,375 square feet. The applicant is proposing 607 square feet of outdoor play area and seeks approval of the variance request for 2,768 square feet of outdoor play area. No dwelling exists on an adjacent lot, as described by Finding No. 4 (“Surrounding and Use”), above. Condition 1(e) requires specifications for a six-foot-high fence for the outdoor play area. Condition No. 1(e) requires specification for a six-foot high fence for the outdoor play area.

- d. Per Section 27-230(a) of the *Zoning Ordinance*, a variance may only be granted when the Planning Board finds that:

- 1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

**Comment:** The YMCA facility is a former grocery store that is located within a 75,169 square-foot shopping center. The existing YMCA facility provides 4,999 square feet of indoor play area. The applicant in the justification letter states: “there is no area under the ownership or control of the applicant, which can be used as an outdoor play area. The YMCA has been operating day care centers for years, recognizes and can address the play needs of children exclusively in an indoor fashion. Given the space limitations for the outdoor play area, if a child or children have to go outside for any reason, the applicant has come up with an efficient schedule which allows for only a certain number of students to be outside at one time. This schedule may include 30-minutes shifts of about 5 to 10 students.” Subsequent to submission of the justification letter, the applicant revised the plan to propose a 607 square-foot outdoor play area. The proposed fenced outdoor play area will provide

shade trees to protect children from the sun. The applicant has indicated verbally that the outdoor play area cannot be any larger because it is hemmed in by other vehicular uses of the paved area behind the building, and that a larger play area would interfere with operation of a rental car business located there. Staff agrees that the presence inside the YMCA of extensive indoor play space available to the day care children does constitute an extraordinary situation.

**(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Comment: To meet the requirement of Section 27-464.02(a)(1)(A)(i) and (ii), Outdoor Play Area, the applicant should provide 3,375 square feet of outdoor play area for children attending the proposed day care center. The applicant is requesting an “area” variance from the outdoor play area requirements in Section 27-464.02(a)(1)(A)(i) and (ii) of the Zoning Ordinance. The applicant asserts that the subject property cannot fully conform to the restrictions in the Zoning Ordinance without granting of the requested variance. The applicant proposes a 607 square-foot outdoor play area for the children. A total of 4,888 square feet of indoor play area is provided for the children. “Practical difficulties” relating to circulation of vehicles owned by Enterprise Rent-a-Car would be created if the outdoor play area were expanded beyond the proposed 607 square feet.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.**

Comment: The 2006 *Approved Henson Creek-South Potomac Master Plan* and *Sectional Map Amendment* identifies the shopping center for a mix of land uses as part of the Broad Creek Transit Village with commercial emphasis. The proposed day care center is a permitted use in the C-S-C Zone, and does not impair the integrity of the master plan or General Plan.

8. **Landscape Manual:** The proposed development is exempt from the requirements of the *Prince George’s County Landscape Manual*, as the application does not involve the creation of additional square footage of building on the site.
9. **Woodland Conservation and Tree Preservation Ordinance:** The site has a letter of exemption from the Woodland Conservation Ordinance since the parcel is greater than 40,000 square feet, contains no woodland, and has no previously approved tree conservation plan. The letter of exemption expires on August 30, 2007.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Community Planning:** In a memorandum dated September 13, 2006, the Community Planning

Division stated that there are no master plan or General Plan issues associated with this application. The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* identifies the shopping center for a mix of land uses as part of the Broad Creek Transit Village with commercial emphasis. The approved sectional map amendment (SMA) retains the shopping center in the C-S-C Zone. Childcare and fitness centers are permitted uses in the C-S-C Zone; therefore, this proposal raises no master plan or General Plan issues.

**Transportation:** In a comment dated August 31, 2006, the Transportation Planning Section stated that Fort Washington Road is an existing 120-foot right-of-way, and Indian Head Highway is a 250-foot right-of-way at this location. Since the site plan is primarily a change of use for an existing building without any new proposed construction, the section offered no objection.

**Subdivision:** At the time of writing of this report no comments were received from the Subdivision Section.

**Permits:** In a memorandum dated September 6, 2006, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the recommended conditions below.

**Environmental Planning:** In comments dated August 25, 2006, the Environmental Planning Section stated that the subject property is exempt from the Woodland Conservation Ordinance and there are no environmental issues associated with this application.

**Fire Department:** In comments dated September 12, 2006, the Prince George's County Fire Department offered comments on required access for fire apparatuses, private road design, and the location and performance of fire hydrants.

**Department of Public Works and Transportation (DPW&T):** In a memorandum dated September 21, 2006, DPW&T stated that the proposed site plan involves only minimal internal revisions to an existing building in an established shopping center. The DPW&T stated that Fort Washington Road improvements exist and no additional improvements are necessary.

**Washington Suburban Sanitary Commission (WSSC):** In a memorandum dated September 13, 2006, WSSC stated that the applicant should apply for a plumbing permit for addition of fixtures. WSSC requirements are ensured through their separate permitting process.

**Maryland Department of Human Resources:** As of the writing of this report no comment was received from the Maryland Department of Human Resources.

**Maryland State Highway Administration (SHA):** In comments dated September 27, 2006, SHA stated the existing building is located within an established shopping center and there are no reported access or maintenance issues for the site. SHA has no objection to approval of Detailed Site Plan DSP-05082.

11. 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-05082 and further approved Variance Application No. VD-05082 subject to the following conditions:

1. Prior to signature approval the following revisions shall be made to the plans or items submitted:
  - a. Incorporate three (3) glass blocks or other similar clear-like features in a portion of the concrete block walls that have replaced the two loading doors to increase the natural light that will serve the inside of the facility.
  - b. Provide detail sheet and specification for the lighting in the outdoor play area.
  - c. Provide tree planters for the shade trees and landscaping detail sheet.
  - d. Provide rubber-surfacing material for the outdoor play area.
  - e. Provide detail sheet and specification for the 6-foot-high vinyl fence and bollards in the outdoor play area.
  - f. Correct the square footage of the YMCA facility in the Legend section.
  - g. Provide detail sheet for the outdoor play area.
  - h. Revise the site plan to show the outdoor play area.
  - i. The parking spaces to be used for the day care center shall be clearly identified to the day care participants and guests, and shall be clearly demarcated on the site plan.
  - j. Provide details and specifications of the any trash facility under this ownership control of the Applicant and the associated screening in compliance with Section 4.4 of the *Landscape Manual*. Any fence employed for screening shall be attractive, durable, and low-maintenance, and shall not be constructed of wood.
  - k. Provide all general site notes to the site plan for all previously approved permits, if any.

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, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, November 9, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30<sup>th</sup> day of November 2006.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:NR:bjs