

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 January 3, 2008, regarding Detailed Site Plan DSP-07019 for Heaven's Tender Touch, the Planning Board finds:

1. **Request:** This application is for approval for a childcare center for 48 children ages 6 weeks to 12 years old within the existing detached dwelling unit.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	C-O	C-O
Use(s)	Vacant	Day care center
Acreage	0.33	0.33
Lots	1	1
Building Square Footage/GFA	1,875	1,875
Outdoor Play Area (square feet)	NA	2,600

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total Parking Spaces	6	6
Standard Parking Spaces	NA	2
Parallel Parking Spaces	NA	3
Handicap Spaces	1	1

3. **Location:** The site is in Planning Area 75A, Council District 6. More specifically, it is located on the north side of Marlboro Pike and approximately 350 feet west of the Kipling Parkway intersection and less than one mile from District Heights, Maryland.
4. **Surrounding Uses:** The subject property is bounded to the north by residential dwellings in the R-R (Rural Residential) Zone; to the east by a restaurant in the C-O (Commercial Office) Zone; to the west by an office building in the C-O Zone. The site is facing Marlboro Pike to the south.
5. **Previous Approvals:** The property has an approved letter of exemption from the Prince George's County Woodland Conservation Ordinance that will expire on May 11, 2009.
6. **Design Features:** The subject site is accessed from Marlboro Pike. The existing entrance point leads into an existing parking lot in front of the building. The site is developed with a one-story, brick, detached dwelling unit with basement, 1,875 square feet in size and 21.2 feet in height. The applicant

proposes to use the building for a day care facility for 48 children. The existing stairs with railings in front of the building lead into the porch and the front entrance. The applicant is proposing to provide a handicap ramp in front of the building. Staff recommends that the applicant provide a detail sheet and specifications for the proposed ramp prior to certification. Also, there is an enclosed porch at the rear of the building with existing stairs which lead into the outdoor play area. Staff recommends providing a handicap ramp with railings at the rear of the existing building in addition to the stairs to provide the children who attend this day care facility a safe route into the outdoor play area.

The applicant proposes to provide 2,600 square feet of outdoor play area with two new shade trees 2½ to three inches in caliper and 12 feet to 14 feet high on the north side of the subject site, in addition to the large existing shade tree already located there. Originally, the outdoor play area was located at the far north end of the subject site. The applicant revised the site plan and moved the play area closer to the house to avoid slopes in the back of the property and to provide a safe area for children to play. The applicant proposes to enclose the outdoor play area, which is a grass surface at its northern end and paved at the southern end near the house, with a four-foot-high chain-link-fence and a gate in addition to the six-foot-high, board-on-board fence along the eastern and northern property lines and the portion of the west property line up to the existing house. The staff recommends removing the existing chain-link fence along eastern, northern and western property lines and extending the proposed four-foot-high, chain-link fence for the outdoor play area to the west property line. Also, staff recommends providing a 6-foot-high, non-wood, natural color, sight-tight fence along the eastern and northern property lines and portion of the west property line up to the existing house. There is an existing paved area located at the rear of the house which previously was used for parking. Staff believes adding the fenced paved area to the total square footage of the outdoor play area would provide additional hard surface for children to play on in addition to the grassy area. Staff also recommends using bollards to the east side of the existing dwelling to block cars from entering the paved area.

There are six parking spaces on-site, of which three are parallel parking spaces and are smaller than the standard 10 feet by 12 feet. A condition of approval is included in the recommendation section of this report to address the required size of parking spaces. Also, a condition of approval is included in the recommendation section of this report which requires the applicant to provide parking signs, limiting the use of four parking spaces in front of the building to 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. unless the applicant pursues providing off-site parking. The applicant did not include a building sign detail sheet for review with this detailed site plan. A condition is proposed below to require the sign details prior to certification.

There is no pedestrian walkway to the building. Staff recommends providing a concrete sidewalk along the west property line to provide safe pedestrian access from Marlboro Pike to the day care building. A condition of approval to address this issue is included in the recommendation section of this report.

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.

- a. The subject application is in conformance with the requirements of Section 27-461, which governs permitted uses in commercial zones. The proposed day care center for children is a permitted use in the C-O Zone.
- b. The proposed day care center is in conformance with the requirements of Section 27-445.03, additional requirements for a day care center for children in commercial zones, as described below:

Sec. 27-445.03. Day care center for children:

- (a) A day care center for children permitted (P) in the Table of Uses shall be subject to the following:**

- (1) Requirements.**

- (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 applicant is proposing to provide a day care facility for 48 children between the ages of 6 weeks to 12 years old. The applicant is providing 1,875 square feet of outdoor play area for children, which is in compliance with the required outdoor play area.

- (ii) All outdoor play areas shall be located on the same lot as the center 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: The proposed outdoor play area is located approximately 34 feet from adjacent dwellings on adjoining lots in the rear of the subject site. There is an existing four-foot-high, chain-link fence along the eastern property line and a six-foot-high, chain-link fence along the western side of the proposed site.

The applicant proposes to enclose the north and south sides of the outdoor play area with a four-foot-high chain-link fence in addition to a 6-foot-high board-on-board fence.

- (iii) A greater set back 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: The applicant is providing a four-foot-high, chain-link fence around the outdoor play area with a gate in addition to providing a six-foot-high, board-on-board fence along the eastern and northern property lines and the portion of the western property line up to the building. Staff recommends providing a 6-foot-high, non-wood, natural color, sight-tight fence instead of the board-on-board fence. Staff also recommends providing bollards at the east side of the building to block vehicles from entering the outdoor play area. A condition of approval is included in the recommendation section of this report.

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

Comment: The applicant proposes to provide two shade trees within the outdoor play area to supplement the shade provided by an existing mature tree in the play area, all of which together will provide sufficient shade for children during the warmer months.

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

Comment: The applicant provided a note on the site plan indicating the use of the outdoor play area will be limited between 8 a.m. and 6 p.m.

(vi) Outdoor play shall be limited to the hours between 7 A.M. and 9 P.M.

Comment: A note on the site plan indicates the day care facility's outdoor play area will be used between 8 a.m. and 6 p.m.

8. ***Landscape Manual:*** The proposed use of the existing building for a day care facility is not subject to the requirements of the *Landscape Manual* since there is no increase in the gross floor area.
9. ***Woodland Conservation Ordinance:*** The subject property has an approved letter of exemption. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is less than 40,000 square feet, and there are less than 10,000 square feet of woodland on-site.

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 July 25, 2007, the Community Planning Division stated that the proposed application is not inconsistent with the 2000 General Plan Development Pattern policies for the corridors in the Developed Tier; and this application conforms to the land use recommendation of the 1985 approved master plan and adopted sectional map amendment for Suitland-District Heights and vicinity, Planning Areas 75A and 75B.

The Community Planning Division also provided the following comments:

“The subject property is located in the proposed revitalization area of Marlboro Pike. The Marlboro Pike sector plan and sectional map amendment planning process is underway. One of the issues identified as a problem for Marlboro Pike are the disjointed development patterns. The proposed Heaven’s Tender Touch Day Care Center does nothing to address those concerns. The subject property is located adjacent to the Lowery Medical Center to the west and the Shady Oak Inn to the east. The Shady Oak Inn is an establishment that serves liquor.”

Comment: The applicant in this case is proposing a new day care use in an existing house with an existing parking lot. Alterations of the site will be minimal. Since the use on this site conforms to applicable master plans and to the Zoning Ordinance, there is little that can be done in the context of this single application to alleviate the larger problem of disjointed development patterns. However, the Planning Board deemed it appropriate to require some improvements to the building and the site to improve the general appearance of the daycare facility from Marlboro Pike.

- Insufficient area for a vehicle to safely enter and exit the site from Marlboro Pike.

Comment: The site is accessed via the Marlboro Pike entrance with a concrete apron width of 30 feet, which is sufficient to accommodate vehicles entering and exiting the site. The minimum width for a two-way drive-aisle for this site is 18 feet.

- It appears that the parking lot in the front of the building is too small to safely accommodate three parking spaces.

Comment: The subject parking lot has been in use for many years. Prior to the request for change of use to a day care center, the existing building was used as a law office. The existing three parking spaces at the front of the dwelling unit consist of one handicap parking space 16 feet by 20 feet in size and two standard parking spaces 10 feet by 20 feet in size. The parking lot adequately accommodates parking spaces for the day care facility.

- Insufficient area for two cars to pass one another on the east side of the building to access the rear parking lot.

Comment: The applicant revised the site plan by removing the existing parking spaces in the back of the building and providing three parallel parking spaces in the front portion of the site. Two of the parallel parking spaces are 8 feet by 22 feet, which is less than the size required to maintain the site's grandfathered status. A condition of approval is included in the recommendation section of this report to revise the size of the parallel parking spaces to 10 feet by 20 feet.

- Access to the play area from the building requires crossing the parking lot.

Comment: The applicant revised the site plan and the access to the play area is no longer through the parking lot.

- The area identified as the grassed play area consists of weeds and gravel, and approximately 10 feet of the play area is not usable due to an uneven slope which may be potentially hazardous for children.

Comment: The revised plan shows the outdoor play area was moved from the north end of the site closer to the existing dwelling unit to remove the sloping ground from the required play area.

- The board-on-board fence at the end of the play area is deteriorated, unstable, and held together by chicken wire and other materials.

Comment: The applicant is proposing to remove the old board-on-board fence and replace it with a new six-foot-high, board-on-board fence.

- Landscaping should be provided along the property line on Marlboro Pike.

Comment: The applicant is not proposing to increase the gross floor area (GFA) of the building, thus it is exempt from Section 4.3 of the *Landscape Manual* which would require a new landscape strip to be planted along Marlboro Pike.

- A walkway should be provided from the building to the public right-of-way to accommodate the safety of clients arriving on foot.

Comment: Staff recommends providing a concrete sidewalk along the west property line up to the building to provide safe pedestrian connectivity. A condition of approval is included in the recommendation section of this report to address this concern.

- The existing fence adjacent to the front parking lot is inaccurately labeled; only four wood posts exist.

Comment: The applicant revised the site plan to correctly label the existing pole.

Transportation: In a memo dated December 18, 2007, the Transportation Planning Section provided the following:

“Access to the site is acceptable. The original site plan did not allow adequate circulation for the proposed parking spaces that were to be located behind the existing building. In response to staff’s concern the applicant had modified the parking locations on the site by proposing all parking to be located in front of the existing building. Considering the site is very tight and leaves little room to reconfigure the required parking, staff agrees to the proposed on-site circulation and parking arrangement, provided all proposed parking spaces, except for the handicapped designated parking space and the space located east of the existing building, are not occupied as long-term parking during the morning and afternoon drop-off or pick-up periods.

In the event that a determination were to be made, given all information, that this Detailed Site Plan is a reasonable alternative for satisfying the site design guidelines, the Transportation Planning Section recommends an approval condition that would require the applicant to place signs in front of the remaining four spaces shown in front of the building, which would restrict their use during the morning and afternoon drop-off or pick-up periods, or 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., respectively. Alternatively, the required parking may be provided off-site.”

Comment: A condition of approval is included in the recommendation section of this report to address the issue regarding on-site parking.

Subdivision: In a memorandum dated October 11, 2007, the Subdivision Section stated the subject property is a single tax parcel (Parcel 141, Tax Map 81, Grid C-3) that has never been through the subdivision process. Per Section 24-107 of the subdivision regulations, the subject development is exempt from subdivision since the applicant proposes less than 5,000 square feet of gross floor area on-site.

Permits: In a memorandum dated November 20, 2007, the Permit Review Section offered three comments that have been addressed or included in the recommendation section of this report.

Prince George’s County Fire/EMS Department: In a memorandum dated July 18, 2007, the Fire/EMS Department stated no objection to the proposed application.

Department of Public Works and Transportation (DPW&T): In a memorandum dated July 18, 2007, the DPW&T offered the following:

- The property is located on the north side of Marlboro Pike and approximately 350 feet west of the Kipling Parkway intersection. Rights-of-way dedication and frontage improvements in accordance with DPW&T standards and specifications for a four-lane urban collector road are required. The replacement of any deteriorated or damaged sidewalk, curb and gutter, paving and landscaping, including street lighting upgrades along the frontage of Marlboro Pike, are required.

- Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the county Road Ordinance.
- Compliance with DPW&T utility policy is required for any utility construction within the public rights-of-way. Proper temporary and final patching and the related mill and overlay in accordance with the established “DPW&T’s Policy and Specification for Utility Installation and Maintenance Permits” is required.
- The proposed site development will require an approved DPW&T concept letter and plan.
- Conformance with DPW&T’s street tree and street lighting standards and specification is required.
- Full-width, two-inch mill and overlay for all county roadway frontages are required.
- All storm drainage systems and facilities are to be in accordance with DPW&T’s standards and specifications.

Health Department: In a memorandum dated September 25, 2007, the Prince George’s County Health Department, Division of Environmental Health offered no comment.

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

Washington Suburban Sanitary Commission: In a memorandum dated July 11, 2007, the WSSC offered the following:

- Water and sewer is available.
- Existing WSSC facilities are located on the site. Submission should be made to WSSC.
- Show the existing eight-inch sewer (48473) traversing the property. Delineate the existing right-of-way easement on the plan. Any grading or construction over existing mains requires WSSC Relocation Unit approval.

Maryland State Highway Administration (SHA): In a memorandum dated October 10, 2007, SHA offered no comment.

PEPCO: In a memorandum dated July 17, PEPCO offered no comment.

Town of Capitol Heights: As of the writing of this report, no comment was received from the Town of Capitol Heights.

Town of District Heights: As of the writing of this report, no comment was received from the Town of District Heights.

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-07019, 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. Provide a 6-foot-high, non-wood, natural color, sight-tight fence along the eastern and northern property lines, and the portion of the west property line up to the existing house.
 - b. Provide a detail sheet and specification for the fences around the playground.
 - c. Provide a detail sheet and specifications for a handicap ramp at the front of the building, which ramp shall be clad in brick to match the main building.
 - d. Provide a handicap ramp at the rear of the building in addition to the existing stairs. Provide a detail sheet and specification for the ramp and show the ramp on site plan.
 - e. Revise the parallel parking spaces to provide 10 feet by 20 feet in size parking.
 - f. All parking must have a minimum of 18 feet access to serve the parking space.
 - g. Provide signs in front of the 3 parallel parking spaces to the east of the property and one parking space to the west of the parking lot to restrict their use during morning and afternoon drop-off or pick-up periods, or 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., or alternatively provide required parking off-site.
 - h. Increase the total square footage for the outdoor playground by including the paved area to the rear of the building.
 - i. Remove existing chain-link fence along the east, north and west property lines and the 6-foot-high board-on-board fence along the north property line.
 - j. Extend the proposed four-foot-high, chain-link fence around the playground to the six-foot-high, non-wood, natural color, and sight-tight fence along the west property line.

- k. Provide detail sheet and specifications for the six-foot-high non-wood fence along the east, north and a portion of the west property line up to the building.
 - l. Provide removable type bollards to block vehicles from entering into the outdoor play area. Provide details of how these bollards will be installed.
 - m. Provide concrete sidewalk along the western property line from Marlboro Pike frontage up to the existing dwelling unit.
 - n. Provide shrubs along the concrete sidewalk along the western property line from the Marlboro Pike frontage up to the existing dwelling unit.
 - o. Provide the building square footage on the site plan.
 - p. Provide shutters for only windows on the front of the existing dwelling unit.
 - q. Provide a detail sheet and specifications for the lighting in the outdoor play area.
 - r. Provide shrubs in front of the dwelling unit considering there is space available after installation of the handicap ramp.
 - s. Provide a small shade tree to the east of the site along the Marlboro Pike frontage.
 - t. Provide a detail sheet for a low, ground-mounted brick business sign and show the location of the sign on the site plan.
2. Prior to issuance of a sign permit for a building-mounted sign, the applicant shall submit a revision to the subject plan for approval by the Planning Board or designee. The revised plan shall:
- a. Provide a detail sheet and specifications for any proposed building sign.

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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Squire, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 3, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of January 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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