

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 15, 2009, regarding Detailed Site Plan DSP-08002, Battle Busy Bee Child Care Center, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a day care center with a maximum enrollment of 40 children within an existing single-family detached structure on .63 acres in the C-S-C Zone.
2. **Surrounding Uses:** The subject property is located on the south side of Woodyard Road, approximately 850 feet east of its intersection with Clinton Street. The rectangular-shaped property fronts on Woodyard Road to the north and is bounded to the east by a single-family detached residence in the C-S-C Zone, to the south by single-family detached residences in the R-80 Zone, and to the west by a medical practitioner's office in the C-S-C Zone.
3. **Previous Approvals:** Record plat BB 6@16 was recorded on October 22, 1937 for Clinton Gardens, Lot 9, Block A, the subject property.

The site also has an approved Stormwater Management Concept Plan 14455-2008-00, which will remain valid until June 6, 2011.

4. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Single-family detached residential	Day care center
Acreage	.63	.63
Lots	1	1
Parcels	0	0
Square Footage	2,684	2,684
Dwelling Units	1	N/A

Parking Required

40 children @ one space per 8 children	5 spaces
Up to 25 total required spaces	1 handicap space
Total:	6 spaces

Parking Provided:

8 standard spaces
1 van-accessible handicap space
Total: 9 spaces

Minimum Outdoor Play Area Required per Section 27-464.02 of the Zoning Ordinance:

40 children x .5 x 75 square feet	1,500 square feet
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Enclosed Play Area Provided:	10,321 square feet
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5. **Design Features:** The subject detailed site plan proposes to convert an existing 2,684-square-foot single-family detached structure into a day care center for children. The western portion of the site will be improved with surface parking to serve the day care business. Chain-link fencing will be added along the eastern edge of the parking facility and will connect to existing six-foot-high sight-tight fencing, creating a fully enclosed, 10,321-square-foot play area. Awnings and handicap ramps will be added to the front and rear entrances of the existing structure. Landscaping will be provided along the east and west property lines to supplement existing mature trees in these areas and to ensure that the day care use and associated parking are adequately screened and buffered from adjacent properties. The applicant is not proposing the installation of signage with this application.
6. **Conformance to Record Plat BB 6@16:** The property is the subject of record plat BB 6@16, which was recorded on October 22, 1937 showing the depth of the subject lot as 310 feet. Subsequent to the recordation of the lot, additional dedication occurred for the right-of-way and was recorded at Liber 3831, Folio 790. The detailed site plan is in substantial conformance with the final plat. Conveyance of land to a governmental agency for public use is exempt from the requirement of filing a new preliminary plan and the existing lot depth as shown on the detailed site plan is the result of the legal conveyance of land.
7. **Conformance to the applicable sections of the Zoning Ordinance:** The detailed site plan is in conformance with Sections 27-454, C-S-C Zone, and 27-461, Uses Permitted in the C-S-C Zone. The proposed day care center is a permitted use in the C-S-C Zone. The detailed site plan is in conformance with Section 27-462 (setback requirements) of the Zoning Ordinance.

The detailed site plan is in conformance with Section 27-464.02 of the Zoning Ordinance, which sets forth additional required findings for a day care center for children:

(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;**

According to this requirement, a 1,500-square-foot play area is required for 40 children, the proposed licensed capacity. A 10,321-square-foot play area is proposed for use by the 40 children, which is more than adequate.

- (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 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.**

The proposed play area is not located within 25 feet of any dwelling on any adjoining lot and is proposed to be enclosed with an existing six-foot-tall sight-tight and proposed four-foot-high chain-link fence. The chain-link fencing material should be specified as black, vinyl-coated.

- (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 proposed play area is not located off site.

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

A strip of mature, deciduous trees is located along the east, south and west property lines surrounding the proposed play area. The height and canopy of these trees will ensure that sufficient shade is provided for the users of the play area during warmer months.

- (vi) 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**

Lighting is not proposed because the play area will not be used at night.

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

The plans indicate that outdoor play will be restricted to the hours of 10:30 a.m.–11:30 a.m. and 3:30 p.m.–4:30 p.m.

(2) Site plan

(A) A Detailed Site Plan shall be approved for the center, in accordance with Part 3, Division 9, of this Subtitle, to insure compliance with the provisions of this Section.

This application constitutes a request for approval of a detailed site plan.

(B) In addition to the submittal requirements of Part 3, Division 9, the Detailed Site Plan shall show:

(i) The proposed enrollment;

The proposed enrollment has been indicated on the plans as 40 children.

(ii) The location and use of all buildings on adjoining lots;

This information has been provided on the plans.

(iii) The location and size of outdoor play or activity areas; and

The location and size of the proposed outdoor play area is shown on the plans and is adequate.

(iv) The location, quantity, and type of screening and landscaping.

Adequate measures have been taken to insure that the day care facility and outdoor play area are screened from adjacent uses. See Finding 8 for a detailed discussion of the detailed site plan's conformance with the *Prince George's County Landscape Manual*.

8. ***Prince George's County Landscape Manual***: The site is subject to Sections 4.3(b) and 4.7 of the *Prince George's County Landscape Manual*. The detailed site plan does not demonstrate conformance with Section 4.7, for which the applicant filed a request for Alternative Compliance. The Planning Director endorsed the Alternative Compliance Committee's recommendation of approval of AC-08035.

REQUEST:

Alternative Compliance is requested from Section 4.7, Buffering Incompatible Uses, of the Landscape Manual along the east and west property lines.

LOCATION

The site is located on the south side of Woodyard Road, approximately 860 feet east of its intersection with Clinton Street.

BACKGROUND

The underlying case is Detailed Site Plan DSP-08002, which proposes the conversion of an existing single-family detached residence for use as a day care center with a maximum proposed enrollment of 40 children. The site will be improved with a parking facility to the west of the existing structure. Awnings and handicap ramps at each entrance of the building and fencing will be added to fully enclose the proposed play area.

The site is subject to Section 4.7 of the Landscape Manual because the detailed site plan proposes a change of use to a higher impact category and development closer to the property lines than is allowed pursuant to the requirements. The applicant is requesting relief from Section 4.7 to validate the existing setback along the east property line adjacent to an existing single-family detached residence and to accommodate the proposed parking facility along the west property line adjacent to a medical practitioner's office.

REQUIRED: 4.7 Buffering Incompatible Uses, along the east property line adjacent to a single-family detached residence

Length of bufferyard	277 feet
Building setback	30 feet
Landscape yard	20 feet
Fence or wall	Yes
Existing woodland	No
Plant units (80 per 100 l.f.)	111 plant units

PROVIDED: 4.7 Buffering Incompatible Uses

Length of bufferyard	277 feet
Building setback	15 feet
Landscape yard	15-20 feet
Fence or wall	Yes
Plant units	135

REQUIRED: 4.7 Buffering Incompatible Uses, along the west property line adjacent to a medical practitioners' office

Length of bufferyard	273 feet
Building setback	20 feet
Landscape yard	10 feet
Fence or wall	Yes
Existing woodland	No
Plant units (40 per 100 l.f.)	55 plant units

PROVIDED: 4.7 Buffering Incompatible Uses

Length of bufferyard	277 feet
Building setback	34.5 feet
Landscape yard	5 feet
Fence or wall	Yes
Plant units	127

A Type "B" bufferyard is required along the east property line. The existing structure is located approximately 15 feet from the east property line and, therefore, does not meet the 30-foot setback requirement of a Type "B" bufferyard. In order to compensate for the 15-foot reduction in the building setback and five-foot reduction in the width of the buffer where the structure is adjacent to the property line, the applicant is proposing to augment existing mature trees within the buffer with three additional evergreens and seven additional shrubs. In addition, an existing six-foot-high sight-tight fence will be retained along the property line. The applicant's proposal results in a bufferyard containing 24 plant units in excess of the 111 plant units required by the *Prince George's County Landscape Manual*.

A Type "A" bufferyard is required along the west property line. A 22-foot-wide access drive is proposed between the building and the western property line and will provide access to the proposed parking facility to the rear of the building. Due to the resultant space constraints, the applicant is proposing to reduce the width of the buffer from ten to five feet. Existing mature trees along this property line will be supplemented with one additional shade tree and

seventeen new shrubs. An existing six-foot-high sight-tight fence will be retained along this property line as well. The applicant's proposal results in a bufferyard containing 72 plant units in excess of the 55 plant units required by the *Prince George's County Landscape Manual*.

The proposed combination of fencing and planting along the east and west property lines renders this proposal equal to or better than normal compliance with the requirements of the *Prince George's County Landscape Manual*.

Although foundation plantings are not required by the Landscape Manual, shrubs should be installed at the base of the existing structure in front of the proposed handicap ramp on the east side of the entrance and along the foundation on the west side of the entrance to visually enhance these areas. In addition, an ornamental tree should be added in front of the structure, west of the main entrance to further enhance the appearance of the site from Woodyard Road.

9. **Woodland Conservation and Tree Preservation Ordinance:** The subject site is exempt from the requirements of the Prince George's County Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland on-site and is less than 40,000 square feet in size and has no previous TCP approvals. The applicant was issued a standard letter of exemption on October 3, 2008, which will remain valid until October 3, 2010.

10. **Referrals:**

- a. **Permit Review Section:** The Permit Review Section provided numerous comments, which are either not applicable or have been addressed through revisions to the plans.
- b. **Transportation Planning Section:** There are no transportation-related conditions applicable to this plan and access and circulation as shown on the plans is acceptable; however, the ultimate right-of-way along MD 223 of 120 feet is not shown correctly on the detailed site plan, but the future planned right-of-way will not affect any element of this proposal. The detailed site plan will be revised in accordance with the exhibit provided by the Transportation Planning Section prior to certification.
- c. **Subdivision Section:** The analysis of the site plan's conformance with record plat BB 6 @ 16 is discussed in detail in Finding 6 above.

Although the record plat was filed prior to October 27, 1970, the property is exempt from resubdivision pursuant to Section 24-111(c)(2) of the Subdivision Regulations because the gross floor area of the structure is well below the threshold of 5,000 square feet.

- d. **The Department of Public Works and Transportation (DPW&T):** At the time of the Planning Board hearing, a response has not been received from DPW&T. Prior to signature

approval of the detailed site plan, the applicant should submit evidence from DPW&T that the detailed site plan is in conformance with the approved stormwater concept plan.

- e. **The State Highway Administration (SHA):** SHA indicated that an access permit will be required for the relocation of the proposed entrance, which must be designed in accordance with SHA guidelines and standards. Sight distance evaluation will also be required at the time of access permit application. SHA's requirements will be addressed through their separate permitting process.
 - f. **Prince George's County Fire Department:** At the time of the Planning Board hearing, a response has not been received from the fire department.
 - g. **Maryland Department of Human Resources Child Care Licensing Office:** At the time of the Planning Board hearing, a response has not been received from this agency.
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-08002 and further APPROVED Alternative Compliance No. AC-08035, subject to the following condition:

Prior to certification, the applicant shall:

- a. Revise the plans to show the correct ultimate right-of-way of MD 223.
- b. Provide evidence from DPW&T that the detailed site plan is in conformance with the approved stormwater concept plan.
- c. Revise the plans to indicate that the chain-link fencing will be black, vinyl-coated.
- d. Revise the plans to include shrubs at the base of the handicap ramp and exposed foundation along the front of the existing structure and one ornamental tree on the west side of the front entrance, to be reviewed and approved by the Urban Design Section as designee of the Planning Board.

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 Cavitt, with Commissioners Squire, Cavitt, Vaughns, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, January 15, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of February 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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