

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 October 23, 2008, regarding Detailed Site Plan DSP-08013 for Disciples of Christ Outreach, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care center for a maximum of 20 children in the C-S-C Zone.

2. **Development Data Summary:**

	Existing	Proposed
Zone	C-S-C	C-S-C
Use	Vacant	Day Care
Acreage (in the subject SDP)	1.55	1.55

3. **Location:** The subject day care is to be located at 3702 and 3704 Old Silver Hill Road, on the western side of Old Silver Hill Road, approximately 200 feet south of its intersection with Brooks Drive.
4. **Surroundings and Use:** The subject site is surrounded by a branch facility for the Smithsonian Institution to the northeast; by a sandwich shop to the southeast; by a used car lot and a furniture storage company to the northwest of the property.
5. **Previous Approvals:** On September 30, 2008, the District Council adopted a resolution (CR-86-2008) approving the Branch Avenue Corridor Sector Plan and Sectional Map Amendment which reclassified the subject property from the C-M Zone to the C-S-C Zone.
6. **Design Features:** The day care is to be located in an existing church, Disciples of Christ Ministries Worship Center, which is located in the two units to the far right side of a strip center. The site would be accessed by either of the two points into the parking lot for the center from Old Silver Hill Road. Other uses in the center include an auto parts store, a medical supply store, an office, a pest control service, and a beauty salon. A proposed 2,279-square-foot play area includes a 10-foot by 8-foot shade structure and a "pre-school activity center." The play area is planned to be covered with a rubber chip substance specified as "Active Playground Safety Mulch."

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject detailed site plan is in compliance with Sections 27-461, Uses Permitted in Commercial Zones, and Section 27-462, Regulations for Development in Commercial Zones. In addition, the project is in conformance with Section 27-464.02, Day Care Center for

Children. The following discussion lists each requirement of Section 27-464.02, Day care center for children, and offers comment regarding how the subject application meets that requirement:

- (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;**

A 2,279-square-foot play area has been provided to the rear of the existing church/proposed day care. The 2,279-square-foot play area is larger than the required 1,500 square feet. Thus, whether all the children play simultaneously or smaller groups are taken out at one time, the subject application would be in compliance with this requirement.

- (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;**

The outdoor play area is located on the same lot as the day care center and there are no dwellings on any adjoining lot. The play area is proposed to be enclosed by a substantial four-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;**

A greater setback or a higher fence was not recommended in this case because the subject site is located in an existing shopping center. However, for the safety of the children, bollards shall be placed four feet on center, along the side of the playground that borders on the project's rear parking/loading area.

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

A 10-foot by 8-foot steel shade structure (Item 013291, Model S-J-106-1) has been specified in the project plans. Additionally, the proposed "Pre-school Activity Center" includes two additional

opportunities for shade on the play structure's raised platforms. Therefore, the play area will contain sufficient shade during the warmer months to afford protection from the sun.

- (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**

A note on the subject detailed site plan indicates that the outdoor play area will be used only during daylight hours. This requirement is not applicable to the subject detailed site plan.

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

A note on the subject detailed site plan states that the outdoor play will be limited daylight hours between 7:00 a.m.–9:00 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 the Section.**

Since the subject detailed site plan has been approved by the Planning Board, the application has met this requirement.

- (B) **In addition to the submittal requirements of Part 3, Division 9, the Detailed Site Plan shall show:**
 - (i) **The proposed enrollment;**
 - (ii) **The location and use of all buildings located on adjoining lots;**
 - (iii) **The location and size of outdoor play or activity areas; and**
 - (iv) **The location, quantity, and type of screening and landscaping.**

All of the above information is shown on the submitted detailed site plan.

8. **Landscape Manual:** The application is exempt from the requirements of the *Prince George's County Landscape Manual* as there is no increase in gross floor area of the existing buildings involved.
9. **Woodland Conservation Ordinance:** According to referral comments offered by the Environmental Planning Section, the site is exempt from the Prince George's County Woodland

Conservation Ordinance. Further, they stated that the applicant would have to obtain an exemption letter prior to the public hearing on the subject project. Such letter has subsequently been received from the applicant, issued on September 17, 2008, and to expire on September 17, 2010. The reason for the approval of the request for a standard letter of exemption to the Prince George's County Woodland Conservation Ordinance was that the property contains less than 10,000 square feet of woodland on-site, and has no previous TCP approvals.

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

- a. **Historic Preservation**—In comments offered July 21, 2008, the Historic Preservation Planning Section stated that the proposed day care center for children would have no effect on historic resources.
- b. **Archeological Review**—In a memorandum dated July 31, 2008, the archeology planner coordinator stated that a Phase I archeological survey would not be recommended on the property. Further she stated that the existing building on the property was constructed in 1974 and that, due to this modern disturbance on the subject property, it is unlikely that intact archeological deposits will be identified. However, she stated, the applicant should be aware that two prehistoric, one historic, and one multi-component archeological site has previously been identified within a one-mile radius of the subject project. Three historic sites are also located within a one-mile radius of the subject property, namely Suitland Parkway (76A-22, also on the National Register), Suitland House (75A-021), and Ridgeway-Hagen House (76A-001). In closing, she mentioned that Section 106 review might require archeological survey for state or federal agencies as Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites if state or federal monies, or federal permits are required for a project.
- c. **Community Planning**—In a memorandum dated August 25, 2008, Community Planning South staff stated that the subject detailed site plan is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and that it conforms to the service commercial land use recommendation in the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*.
- d. **Transportation**—In referral comments dated July 18, 2008, the Transportation Planning Section noting that no new construction is proposed as part of the development of the project, deemed the detailed site plan acceptable from the standpoint of transportation, and noted that the placement of the playground does not impede access to and from the site.
- e. **Subdivision**—In comments dated July 30, 2008, the Subdivision Section stated that there are no subdivision issues which would affect the proposed detailed site plan. More particularly, they stated that the subject parcel, Parcel 10, is a legal parcel that was

subdivided by deed prior to January 1, 1982. Further, noting that no increase in gross floor area is proposed, they stated that a preliminary plan would not be required in accordance with Section 24-107(c)(7) of the Subdivision Regulations.

- f. **Trails**—In a memorandum dated September 5, 2008, the trails coordinator stated that there are no master plan trails issues identified in the adopted and approved Heights master plan that impact the subject site. Noting that there is an existing sidewalk along the site's frontage of Old Silver Hill Road and that there were no crosswalks in the vicinity of the site, he recommended the striping of standard crosswalks across both ingress and egress points into the site, unless modified by SHA. A condition has been included in the subject approval requiring such crosswalks if none in fact exist.
- g. **Permits**—In a memorandum dated July 24, 2008, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or have become conditions of the subject approval.
- h. **Environmental Planning**—The Environmental Planning Section stated that the site is exempt from the Woodland Conservation Ordinance and that the applicant needed to obtain an exemption letter from the Environmental Planning Section prior to the public hearing of the project. They also stated that the applicant needed to submit a copy of the approved stormwater management concept plan.

The applicant has obtained a standard letter of exemption from the requirements of the Woodland Conservation Ordinance and submitted it to the Urban Design Section. However, with respect to the stormwater management plan, the Environmental Planning Section subsequently stated that since the proposed playground would not increase impervious surface on-site, a copy of the approved stormwater management concept plan would not be necessary.
- i. **Fire Department**—In a memorandum dated August 22, 2008, the Prince George's County Fire/EMS Department offered comments on needed accessibility for fire apparatuses, private road design and the location and performance of fire hydrants.
- j. **Department of Public Works and Transportation**—In a memorandum dated July 30, 2008, the Department of Public Works and Transportation (DPW&T) stated that conformance with DPW&T street tree and street lighting standards is required along Old Silver Hill Road, that site development conceptual and technical plan approval would be required, and that a stormwater management concept approval for the proposed playground would be required. A condition of the subject approval requires that the applicant submit a letter exemption or other indication from DPW&T regarding stormwater management requirements as the amount of impervious surface on the subject site would not be increased by the subject project.

- k. **Washington Suburban Sanitary Commission**—In a memorandum dated July 29, 2008, Washington Suburban Sanitary Commission (WSSC), noting that the plan is for the change in use of an existing building, stated that they would have no comment on the proposed project.
 - l. **The Maryland Department of Human Resources, Child Care Licensing Office**—The Maryland Department of Human Resources, Child Care Licensing Office did not offer comment on the subject detailed site plan.
 - m. **The Maryland State Highway Administration**—On August 21, 2008, the Maryland State Highway Administration (SHA) indicated that they would have no comment on the subject project.
 - n. **PEPCO**—In an email dated August 21, 2008, Potomac Electric Power Company (PEPCO) stated that the developer/owner would be responsible from for building duct to the property and the cable. Additionally, they asked that the applicant provide them with the class of service, the loads and the date they would require service. In closing, they mentioned that they may require additional easements, that the applicant would be responsible for paying all costs except for the primary to provide service, and suggested the applicant call Stephen Park to set up a meeting on the project.
11. 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-08013, subject to the following conditions:

- 1. Prior to certification of this detailed site plan, the applicant shall:
 - a. Correct the general notes to reflect that a maximum of 20 children will be enrolled at the day care.
 - b. Provide bollards to be placed four feet on center, on the side of the proposed play area that borders the project's rear parking and loading area. Final design choice of the bollards to be utilized shall be approved by the Urban Design Section as designee of the Planning Board.
 - c. Provide striped crosswalks, if they do not currently exist, at ingress and egress points into the site, unless modified by the State Highway Administration
 - d. Specify the chain-link fence to be utilized to enclose the children's play area as "vinyl-clad."

- e. Provide staff with a letter of exemption or other indication from the Department of Public Works and Transportation regarding stormwater management requirements.
- f. Outdoor play areas shall be utilized only daylight hours between 7:00 A.M. and 9:00 P.M.

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 Clark, seconded by Commissioner Squire, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioner temporarily absent at its regular meeting held on Thursday, October 23, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of November 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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