



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-79

File No. DSP-10010

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 July 28, 2011, regarding Detailed Site Plan DSP-10010 for Little Miracles Day Care, the Planning Board finds:

1. **Request:** The subject application requests approval of a 23-child day care center.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	M-X-T/D-D-O	M-X-T/D-D-O
Use(s)	Residential with in-home Child Day Care	Child Day Care Center
Acreage	0.12	0.12
Lots	1	1
Building Square Footage/GFA	1,230	1,230

OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Total parking spaces	3	3

3. **Location:** The site is in Planning Area 69, Council District 5. More specifically, it is located in the northeastern quadrant of the intersection of Quincy Street and 55th Avenue.
4. **Surrounding Uses:** The subject property is surrounded on all sides by land similarly zoned M-X-T. It is bounded to the north by a parking lot for the Publick Playhouse; to the south by Quincy Street with vacant wooded property beyond; to the west by 55th Avenue with the Publick Playhouse beyond; and to the east by a single-family detached dwelling.
5. **Previous Approvals:** The site is not subject to any previous planning approvals.
6. **Design Features:** The subject day care center is proposed to be located in a 1,230-square-foot single-family detached dwelling, previously used for residential purposes and in-home child day care. Stairs are necessitated by existing topography to access the house from both the Quincy Street and the 55th Avenue road frontages. Gated access is provided at each of

these junctures through an existing fence. Fencing along the 55th Avenue frontage, the Quincy Street frontage, and the eastern property line is four-foot-high chain-link, whereas fencing along the rear property line is six-foot-high wood. Three 22-foot by 8-foot on-street parking spaces are proposed for the day care along the project's Quincy Street frontage. Three on-site play areas have been provided, totaling 865 square feet. A 200-square-foot play area is located to the left of the front walk to the facility, and 350- and 315-square-foot play areas are located on the right side of the front yard and wrap around the right side of the building. A condition of this approval consolidates the play area on the right side of the front walkway and requires that the play area be fenced itself, in order to provide better supervision of the children, keep them in view of their caretakers and prevent unsupervised entrance into the dwelling or exiting through a gate. The condition also includes the extension of the play area on the right side of the front yard in an easterly direction toward the common property line shared with the adjacent property, currently improved with a single-family detached unit to its intersection with the required bed for the proposed planting at the specified site boundary. Plant material choice in that landscaped strip shall be revisited prior to signature approval so as to provide columnar evergreens, increasing the rate of survivability for the trees and providing screening in all seasons. Lastly, the condition requires the inclusion of a sight-tight, 6-foot fence that would assist in mitigating negative off-site impacts prior to the landscaping maturing into an effective screen.

The subject project requested approval of a roof sign, with the sign face proposed to measure 96 inches by 36 inches, with the addition of a one-inch-aluminum frame, for a total of 98 inches by 38 inches or 24 square feet. While such sign would be permitted by the sign requirements of the Zoning Ordinance, the Port Towns sector plan does not permit roof signs. Therefore, a condition of this approval requires that a sign be provided in either the front or side yard rather than on the roof.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the M-X-T/D-D-O Zone and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-543 which governs permitted uses in mixed-use zones. The proposed day care center is a permitted use in the M-X-T Zone.
 - b. The proposal is also in conformance with the requirements of Section 27-544, Regulations, regarding additional regulations for development in mixed-use zones.
 - c. The proposal is also in substantial conformance with Section 27-445.03 regarding day care centers for children in residential zones. In the absence of specific criteria for review of

day care centers in the Port Towns D-D-O-Z, these criteria have been used to evaluate day care centers in mixed-use zones as follows:

Required	Provided
An outdoor play area with at least 75 square feet of play space per child for 50 percent of the licensed capacity or 75 square feet of play space per child for the total number of children to use the play area at one time, whichever is greater.	865 square feet of play area have been provided in three separate play areas, a 200-square-foot play area to the left of the front walk to the facility, and a 350- and a 315-square-foot play area on the right side of the front yard and wrapping around the right side of the house.
Outdoor play area shall be located on the same lot as the day care center, at least 25 feet from any dwelling on an adjoining lot, and shall be enclosed by a substantial wall or fence at least four feet in height.	The play areas are located on the same lot as the day care center, are a minimum of 20 feet from the adjacent single-family detached dwelling on the lot to the east of the subject project, and the entire property, not the individual play areas are fenced with a four-foot-high fence. This is in substantial though not exact conformance and will be altered further by a condition of this approval.
Sufficient shade in the play area during the warmer months to afford protection from the sun.	Sufficient shade is provided in the play area by existing trees, to be augmented by the planting of additional trees along the eastern property line.
Sufficient lighting on the play area if it is to be used after dark.	As noted on the plans, and by condition of this approval, the play area is not to be used after dark.
Outdoor play limited to 7 a.m. and 9 p.m.	Outdoor play hours are limited to daylight hours. A condition of this approval will specify that it is further limited by the Zoning Ordinance requirement.
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 all outdoor play areas (iv) The location, quantity, and type of screening and landscaping.	(i) The proposed enrollment is indicated on the plans as 23 children. (ii) The location and use of the sole building (a single-family detached dwelling) on an adjoining lot (Lot 8) is included on the plans. The use indicated is residential. (iii) The location and size of the three outdoor play areas are indicated on the plans. (The individual sizes of the three provided outdoor play areas are indicated as 200, 315, and 350 square feet.) (iv) An existing 24-inch diameter tree is located on the left side of the front walkway to the facility and a shrub is indicated at the southwestern corner of the building on the property. Six trees (three Thuja Occidentalis Smaragd and three Atlas Blue Cedars) are proposed along the eastern property line, to augment the screening already afforded by the one 24-inch diameter oak.

8. **The 2009 Approved Port Towns Sector Plan and Sectional Map Amendment:** The subject property is located within the Annapolis Road Gateway character area of the Port Towns Sector Plan. A key goal for this character area is to establish the Publick Playhouse as the focus of a larger cultural and entertainment district.

If new construction were proposed by the project, the building envelope standards would apply. Since no new construction or expansion is proposed, the subject project is exempt from these requirements. However, the project is subject to the architectural (signage and awnings), parking and loading and streetscape requirements of the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment*. Each applicable set of standards is listed below, followed by comment.

Architectural Standards—Signage and Awnings

The proposed roof sign is not permitted per the sector plan. A freestanding bracket sign shall be placed in the front or side yard by condition of this approval. The freestanding bracket sign should be mounted on wood or metal posts. The sign should be pedestrian in scale and the post height should not exceed 5 feet-6 feet. The bracket sign area should not exceed 4 square feet.

Parking and Loading Standards

The required parking for a day care use is one parking space for every eight children. Therefore, 23 children would require three parking spaces. The minimum number of parking spaces shall be 80 percent of the minimum required by Section 27-568 (a) of the Zoning Ordinance. With this reduction, three parking spaces are still required. The application shows three on-street parking spaces on Quincy Street, two in front of the subject site and one in front of the adjacent property.

Additionally, all new nonresidential development is required to provide a minimum of four bicycle parking spaces installed as two high-quality inverted “U” racks. The Planning Board hereby decides, in view of the nature of the use, that one bicycle rack is sufficient as it is conceivable that an employee or other person associated with the day care may require storage of a bicycle utilized to arrive at the site. Therefore, a condition of this approval requires the inclusion of a single high-quality inverted “U” bike rack as specified in the 2009 approved Port Towns sector plan, providing two-bicycle parking spaces.

Streetscape Standards

Sidewalks are an important component of the streetscape and pedestrian connectivity. There are existing sidewalks to the north and south of the subject property along 55th Avenue. A sidewalk minimum 6-foot-wide sidewalk should be constructed along the 55th Avenue property frontage to fill the existing sidewalk gap and to contribute to the pedestrian connectivity and walkability goals of the sector plan.

Quincy Street has a Neighborhood Street Type “2” (NST-2) designation. Amendments are required for the required street trees, street lights, and some sidewalk along Quincy Street, allowing the existing 24” Oak on Quincy Street should be preserved.

Conditions of this approval implement the above modifications and bring the project into conformance with the requirements of the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* and the following deviations from development district standards are approved as part of the subject application:

Development District Standard	Comply?	Explanation
Street trees and streetlights shall be provided.	No	A deviation from this development district standard is approved as the nature of the application is modest, involves no new construction and because an existing 24-inch Oak tree will be preserved along the Quincy Street frontage if this deviation is granted.
Sidewalks shall be required along the street frontages.	Not Entirely.	In order to provide the necessary sidewalks on the subject site and to save the specimen tree located along Quincy Street, the Planning Board modifies the requirement for sidewalk construction to along the project's Quincy Street frontage east of the pedestrian walkway/stairs shown on the submitted plans and along 55th Avenue to the intersection with Quincy Street or to the edge of the critical root zone, where the sidewalk then shall end at the road with an ADA ramp and curb cut.
Two high-quality inverted-u bicycle racks, accommodating four bicycles shall be provided for the site.	Not Entirely	Due to the nature of the proposed land use, a single inverted-u bicycle rack accommodating two bicycles is deemed adequate for the site.

9. **Prince George's County Landscape Manual:** The subject property, because it poses no addition of gross floor area (GFA) is, pursuant to Section 1.1 of the *Prince George's County Landscape Manual*, exempt from its requirements except for Section 4.4(b)(4) and (5). These subsections require screening of trash and recycling facilities and mechanical equipment. A condition of this approval requires conformance with these requirements prior to signature approval of plans for the project.
10. **Woodland and Wildlife Habitat Conservation Ordinance:** The requirements of the Woodland and Wildlife Habitat Conservation Ordinance are not applicable to the site as no grading permit is

required for the proposed expansion of the subject day care facility. Therefore, a letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance is not required for the subject project.

11. **Further Planning Board Findings and Comment from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Historic Preservation**—The subject application for a commercial day care for 23 children will have no effect on identified historic sites, resources or districts.
- b. **Archeological**—Noting that the existing house on the property dates from 1940, the Planning Board finds that a Phase I archeological survey is not recommended on the subject site as a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. Four archeological sites, 18PR96 (George Washington Inn), 18PR951 (Bostwick), 18PR892 (Magruder House), and 18PR893 (Market Master's House) are located within one mile of the subject property, and the Publick Playhouse, Prince George's County Historic Site #68-028, is located on the west side of Quincy Street across from the subject property. Since proposed construction is minimal, it will not impact the historic site. Section 106 of the National Historic Preservation Act could require archeological survey on the part of state or federal agencies if state or federal monies, or federal permits are required for a project.
- c. **Community Planning**—The subject project is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier and it conforms to the land use recommendations of the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment*. For details regarding planning issues identified because of the project's location in the Annapolis Road Gateway Character Area, see Finding 8 of this approval.
- d. **Transportation**—Noting that the site is not within or adjacent to any master-planned transportation facilities, the Planning Board found in part:

The applicant is requesting approval to expand an existing in-home day care for 10 children to a commercial day care for 23 children. The applicant is proposing to provide three on-street parking spaces. The Zoning Ordinance requires one space for every eight children enrolled in the day care center. The applicant's proposal does not provide any off-street parking.

Given the fact that on-street parking is allowed on this existing residential street, and the applicant is not providing any additional parking spaces on-site, the lack of off-street parking could potentially impede the flow of traffic near the site, given the need for drop-off and pick-up of the children.

The Planning Board deemed the parking situation acceptable as follows:

The three parking spaces are provided on Quincy Street. The number of spaces required is both in keeping with the Zoning Ordinance (which would otherwise require one space per 8 children for the day care use) and the Port Towns Plan both in terms of the number of spaces (80 percent of that required by the Zoning Ordinance) and location. The Port Towns Plan allows the parking to be off-site and on-street, provided it is located within 700 hundred feet of the subject project. Therefore, the parking situation is deemed to be acceptable.

- e. **Subdivision**—The subject property is located on Tax Map 50 in Grid E3 and is known as Lot 9 of the Villa Heights Subdivision, and a preliminary plan of subdivision is not required for the project. The property is the subject of Record Plat BB 9 @ 49, recorded in the Prince George's County Land Records in 1942 without a cap on development. Pursuant to Section 24-111(c)(2) of the Subdivision Regulations, a preliminary plan of subdivision is required for the construction of more than 5,000 square feet of gross floor area. Noting that the trigger is a cumulative total and that the detailed site plan does not indicate the addition of any square footage, the Planning Board stated that no preliminary plan of subdivision is required at this time, but will be required if and when a cumulative total of 5,000 square feet of gross floor area (GFA) is added to the subject site.
- f. **Trails**— The Planning Board reviewed the subject detailed site plan for conformance with the requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements and found:
 - (1) Road cross sections are varied in the vicinity of the subject site including both closed (improved with curb, gutter, and sidewalks), and open sections. Both 55th Avenue and Quincy Street are open section with no sidewalks along the frontages of the subject site. Fifty-fifth Avenue immediately north and south of Quincy Street several properties to the east of the subject site, however, include sidewalks.
 - (2) The Trails, Bikeways, and Pedestrian Mobility Complete Streets section of the MPOT includes the following policies regarding pedestrian-oriented development in centers and corridors, which apply to the subject site which is adjacent to the Bladensburg Town Center and within an established community one block from Landover Road:
 - Incorporate appropriate pedestrian-oriented features in all new development within designated centers and corridors;

- Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers; and
 - All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designated to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.
- (3) The MPOT includes the following relevant strategies to implement the above policies:
- Develop a pedestrian/bicycle loop around the perimeter of the Bladensburg Town Center to provide for continuous facilities around the town center, and provide an alternative to the high-speed, high-volume traffic of Annapolis Road (MD 450). Improvements should include continuous standard or wide sidewalks, as well as "Share the Road with a Bike" signage, and appropriate pavement markings.
 - Designated bike lanes should be considered if right-of-way conditions permit. Roads proposed for sidewalk and bikeway improvements on this loop include: Usher Street, Tilden Road, 55th Avenue, Quincy Street, and 54th Place. These improvements, in conjunction with a trail connection to the Anacostia River Trail and a pedestrian bridge to the Bladensburg Waterfront Park, will greatly enhance pedestrian accessibility throughout the town center and to area recreational facilities.
 - Accommodate pedestrian crossings with well-marked, attractive crosswalks. Contrasting surface materials should be used, and pedestrian amenities and safety features should be incorporated where appropriate. These features can include benches, trash receptacles, bus shelters, and pedestrian-scale lighting. Safety features can include curb extensions, raised crosswalks, in-pavement lighting at crosswalks, pedestrian refuges or "safe havens," and pedestrian count-down signals.

The Planning Board agreed on the desirability of saving the specimen tree located along Quincy Street. This was discussed as a priority and it was concluded that sidewalk design should attempt to preserve the tree. Both 55th Avenue and Quincy Street have existing sidewalks along some segments in the vicinity of the subject property and the Planning Board approved that they be provided along the subject site's frontage. However, in order to save the specimen tree, the Planning Board supported a modification to the sidewalk requirement as follows: (1) require sidewalk construction along the subject site's Quincy Street frontage east of the

pedestrian walkway/stairs shown on the submitted plans and (2) require sidewalk construction along 55th Avenue to the intersection with Quincy Street or to the edge of the critical root zone, where the sidewalk should then end at the road with Americans with Disabilities Act (ADA) ramp and curb cut. The intention of this modification is to provide the necessary sidewalks where appropriate on the subject site while still preserving the specimen tree, as per the graphic indicating the locations of the recommended improvements, which was made part of the record as part of the public hearing on the project.

In conclusion with respect to trails, the Planning Board stated that, from the standpoint of non-motorized transportation, the plan is acceptable, fulfils the intent of the applicable master and functional plans, and fulfils prior conditions of approval and the findings required for a detailed site plan because certain conditions have been placed on the approval.

- g. **Parks**— The Planning Board stated that they had reviewed the subject detailed site plan for conformance with the requirements of the approved Port Towns sector plan and sectional map amendment and in relation to existing conditions in the surrounding area as they pertain to parks and recreation. More particularly, they stated that the subject property is adjacent to the Publick Playhouse, a facility owned and operated by The Maryland-National Capital Park and Planning Commission (M-NCPPC). The M-NCPPC property is located to the west and north of this site. The Publick Playhouse performing arts facility seats 462 patrons and is operated year-round, seven days a week. During sold-out shows, the Publick Playhouse parking lots are often filled to capacity.

Further, the Planning Board stated that the approved Port Towns sector plan and sectional map amendment recommends reconstruction of the Annapolis and Landover Roads intersection as a "T," closing the portion of 55th Avenue which adjoins the subject property and the Public Playhouse parcel. The land area resulting from the closing and realignment of the roads will extend the parkland around the existing Publick Playhouse and create a focal point for the Annapolis Road Gateway Area. The goal of the master plan is to create a new cultural and mixed-use district focused around the Publick Playhouse.

The Planning Board also mentioned that, in June 2010, the applicant sent a letter to DPR requesting permission to use four parking spaces on M-NCPPC property and that DPR responded in a letter dated June 17, 2011 that they would not be able to grant the request because they did not have sufficient parking so as to be able to function with such a "shared" parking arrangement.

The Planning Board noted that the one space originally proposed along 55th Avenue was moved to Quincy Street allaying concerns that the pavement width on 55th Avenue is only 26 feet wide, that it is currently signed as a "No Parking" zone, and that the proposed on-street parking at this location could impede the flow of traffic and create unsafe conditions

for vehicles entering and leaving the Publick Playhouse parking lots and unsafe conditions for day care patrons due to the lack of sidewalks.

Conditions of this approval require a sidewalk along 55th Avenue and Quincy Street, except where it is necessary to eliminate them so as to preserve a specimen tree should address the remaining concerns regarding Parks' issues.

- h. **Permit Review**—Numerous comments have either been addressed by revisions to the plans or in conditions of this approval.
- i. **Environmental Planning**—Since no grading permit or letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance is required, a natural resources inventory or tree canopy coverage schedule is also not required.
- j. **Prince George's County Fire/EMS Department**—In a memorandum dated April 4, 2011, the Prince George's County Office of the Fire Marshal offered information regarding private road design, required access for fire apparatuses, and the location and performance of fire hydrants.
- k. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated March 22, 2011, DPW&T stated the following:
 - Right-of-way dedication and frontage improvements are required in accordance with DPW&T specifications and standards for urban secondary residential roads.
 - All improvements within the public right-of-way, as dedicated to the county, are to be designed in accordance with the requirements of the County Road Ordinance, DPW&T specifications and standards, and the Americans with Disabilities Act (ADA).
 - Sidewalks are required along all roadways within the property limits in accordance with Sections 23-105 and 23-136 of the County Road Ordinance.
 - The storm drainage systems and facilities are to be designed in accordance with DPW&T requirements.
 - Conformance with street tree and street lighting standards is required.
 - A soils investigation report, which includes subsurface exploration and a geotechnical engineering evaluation for public streets, is required.

It would appear that some of the DPW&T concerns above are not relevant to the subject case, as it involves no new construction. In any case, DPW&T's issues regarding the case will be addressed through their separate permitting process, not in the conditions of the

subject approval. The Planning Board is not recommending sidewalk along Quincy Street and 55th Avenue proximate to the existing specimen tree, so as to allow its preservation. This interruption in the public sidewalk system will require approval from DPW&T.

- l. **Maryland State Highway Administration (SHA)**—In an e-mail dated September 30, 2010, SHA stated that they would not be offering comment on the subject project.
 - m. **Washington Suburban Sanitary Commission (WSSC)**—Comment was not received from the WSSC regarding the subject project.
 - n. **Verizon**—In an e-mail received April 6, 2011, a representative of Verizon stated that they would not be offering comment on the subject project.
 - o. **Potomac Electric Power Company (PEPCO)**—In an e-mail dated March 30, 2011, a representative of PEPCO stated that they did not have any concerns regarding the proposed increase in the number of children to be accommodated in the subject day care facility.
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.
13. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

It is not necessary to make this finding in this case as there are no regulated environmental features on the site.

14. **Section 27-546. Site Plans.**
- (d) **In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:**
 - (1) **The proposed development is in conformance with the purposes and other provisions of this Division;**

The proposed use on this property contributes to the mixed-use character of the neighborhood. It is in conformance with the purposes of the Mixed Use—Transportation Oriented (M-X-T) zoning in that it will provide employment and that it contributes to more diverse land use that will blend harmoniously with its surroundings. As the subject development proposes to re-utilize the existing structure on-site, many of the other provisions of the M-X-T Zone which primarily address new construction are not directly applicable to the subject project.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The project is in conformance with the applicable design guidelines or standards intended to implement the development concept recommended by the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* with respect to signage and awnings, parking and loading, and streetscape standards, except for the three deviations from development district standards requested herein, as discussed in Finding 8 of this approval.

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**

The proposed day care use will not involve new construction; however, the existing house in which it will be located faces the street and will, to that extent, continue to have an outward orientation. Having a vital commercial use in-lieu-of a vacant single-family detached dwelling may serve to catalyze additional improvements/rejuvenation in the vicinity of the subject project.

- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The proposed development will be compatible with existing development in the vicinity of the subject site, which includes the Publick Playhouse and single-family detached development, as conditions of this approval require screening of the play area.

- (5) **The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;**

As the approval includes a single use and no new construction, this required finding is inapplicable to the subject site.

- (6) **If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;**

As the proposed development is to be accomplished in a single phase, this required finding is inapplicable to the subject project.

- (7) **The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;**

The project may be said to meet this required finding as it has a series of paved pathways leading to the entrances to the building on-site and the provided play area. Additionally, as the project is approved subject to conditions 1(a) and 1(b), and the pedestrian system is to be further enhanced by requiring standard sidewalks along the site's entire 55th Avenue and Quincy Street frontages, except where it would interfere with the critical root zone of a specimen tree.

- (8) **On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and**

In view of the limited scope of the subject project, the provision of standard sidewalks on the project's road frontages may be said to meet this requirement.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, will be provided by the applicant, or are incorporated in an approved public facilities financing and implementation program, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

As the subject project is a detailed site plan, not a conceptual site plan, this required finding is inapplicable to the subject project.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map**

Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be provided by the applicant.

The subject detailed site plan has been reviewed by the Planning Board and it has been determined that the proposed expansion will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted Prince George's County Capital Improvement Program (CIP). With respect to transportation related requirements the Planning Board stated the following:

In Section 27-546(d)(10) of the Zoning Ordinance, it is required that, when more than six years have elapsed since any finding of adequacy for a site, a finding be made that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities or facilities to be provided by the applicant. The subject site, by virtue of its rezoning through a sectional map amendment, the exemption from the conceptual site plan given by the sector plan, and its subdivision by deed, has never been subjected to an adequacy finding. Nevertheless, the area was reviewed in 2007 as a part of the Planning Board's review of Preliminary Plan of Subdivision 4-05152 for Pointe at Cheverly. At that time, considering existing traffic plus all approved development and an additional growth factor, the intersection of Landover Road (MD 202) and Annapolis Road (MD 450) operated at level-of-service (LOS) B or better in each peak hour. Similarly, the intersection of MD 202 and 57th Avenue operated at LOS A in both peak hours. Given that daily traffic counts in this area have remained stable since that time, the Planning Board finds that the use on this site plan would be adequately served by transportation facilities within a reasonable period of time, as required by Subtitle 27.

Based on the above, it may be said that the development is in conformance with this requirement as it will be adequately served within a reasonable period of time with existing or programmed facilities shown on the adopted CIP, within the current State of Maryland Consolidated Transportation Program (CTP), or to be provided by the applicant.

- (11) On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 27-548.**

As the subject site includes only 0.12 acre, this requirement is inapplicable to the subject project.

Section 27-548.25. Site Plan Approval.

In addition, the Planning Board has reviewed the subject project against the required findings as specified in Section 27-548.25 for site plan approval in overlay zones as follows:

- (b) **In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.**

The site meets the applicable development district standards of the 2009 Approved Port Towns Sector Plan, except for the three deviations from development district standards requested herein. Since the Planning Board grants these deviations as part of this approval, it may be said that the site plan meets applicable Development District Standards.

- (c) **If the applicant so requests, the Planning Board may apply development standards which differ from the Development District Standards, most recently approved or amended by the District Council, unless the Sectional Map Amendment text specifically provides otherwise. The Planning Board shall find that the alternate Development District Standards will benefit the development and the Development District and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.**

The applicant's requested deviation from the street tree/light requirement is partially offset by limiting the required sidewalk to preserve an existing specimen tree. The deviation reducing the number of bike racks provided is warranted by the limited scope of the subject project. It may be said that the alternate development district standards will benefit the development and the development district and will not substantially impair implementation of the sector plan.

15. **Handicapped Accessibility:** The Planning Board makes the following finding regarding needed handicapped accessibility:

Though the 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* allows on-street parking for the subject project, all accessibility requirements still apply. This includes a requirement for one parking space for the physically handicapped pursuant to Section 27-566 of the Zoning Ordinance in addition to needed accessibility to the building on the property, which would include either a ramp or handicapped lift to gain access to the site and a ramp to access the building.

Regarding the parking space, Armen Abrahamian, Director of Safety for the Department of Public Works and Transportation (DPW&T), in an email dated July 13, 2011, stated that they generally do not allow reserved parking (handicapped or otherwise) within the public right-of-way. The only exception to this general rule is for a designated handicapped space for a single permit holder who lives adjacent to a DPW&T right-of-way, whose disability is certified by a physician and verified by the State of Maryland Department of Transportation, Motor Vehicle Administration (MVA),

and where a parking lot or driveway is not available. In a follow-up telephone conversation on July 22, 2011, Dawit Abraham, Associate Director of DPW&T, told George Johnson, Associate General Counsel, that the only way he would designate a handicapped space in a county right-of-way would be if the State of Maryland instructed him to do so, though he could not cite a specific law that prohibits such a designation.

To further complicate matters, the Planning Board offers the following regarding the potential provision of on-street handicapped parking:

It should be noted that the Uniform Federal Accessibility Standards require that all parking spaces to serve disabled persons shall be at least 96 inches wide and shall have an adjacent access aisle 60 inches wide minimum. This would indicate that a striped on-street space must be a minimum of 13 feet in width. Given that the adjacent streets to this site have a pavement width of approximately 26 feet, striping a parking space along either street for use by disabled persons would effectively not allow two-way traffic on that street. For that reason, there is justification for requiring that any needed parking for persons with disabilities be provided off-street.

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-10010, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plans for the project as follows or provide the information specified:
 - a. Provide a standard sidewalk along the subject site's entire frontage of 55th Avenue or to the edge of the critical root zone of the specimen tree, where the sidewalk will then end at the road with an appropriate Americans with Disabilities Act (ADA) ramp and curb cut, unless modified by the Department of Public Works and Transportation (DPW&T).
 - b. Provide a standard sidewalk with appropriate curb cuts and ADA ramps along the subject site's entire frontage of Quincy Street east of the walkway and stairs, unless modified by DPW&T.
 - c. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of signage designating 55th Avenue as a Class III bikeway.
 - d. The applicant and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of signage designating Quincy Street as a Class III bikeway.
 - e. The applicant shall provide a high visibility crosswalk with attractive, contrasting surface material across Quincy Street at the 55th Avenue intersection, unless modified by

DPW&T. If specialty crosswalk is to be installed, the Urban Design Section, as designee of the Planning Board, shall review and approve the selected material prior to signature approval.

- f. Correct the spelling of the Publick Playhouse on the plans.
- g. Remove the Board of Education approval from Sheet 3 of the plan set, as this sheet is set aside for planning approvals for the project.
- h. A note shall be added to the plans that the hours of play will be limited to daylight hours between the hours of 7:00 a.m. and 9:00 p.m.
- i. The play area shall be consolidated on the right side of the front walkway and fenced and be extended to the eastern site boundary. Plant material choice in that landscaped strip shall be limited to columnar evergreens, increasing the rate of survivability for the trees and providing all-season screening. Lastly, a sight-tight, 6-foot fence shall be provided along the shared property line to assist in mitigating negative off-site impacts prior to the landscaping maturing into an effective screen. Such fence shall be constructed of a non-white, non-wood, low-sheen, durable material. Final design of the play area, landscaping, and fencing shall be approved by the Urban Design Section as designee of the Planning Board.
- j. Applicant shall replace the proposed roof sign with a freestanding bracket sign to be placed in the front or side yard. The sign shall be pedestrian scale, measuring no more than 4 square feet in size and shall be no more than 5 feet-6 inches tall. Final design and placement of the sign shall be approved by the Urban Design Section as designee of the Planning Board.
- k. Include on the site plan the location of an outdoor trash area and that of mechanical equipment for the day care building, if any. Such locations shall be screened in accordance with the requirements of Section 4.4 of the *Prince George's County Landscape Manual*. Final design of said screening shall be approved by the Urban Design Section as designee of the Planning Board.
- l. The scale on Sheet 2 of the plan set shall be corrected to reflect the actual scale utilized.
- m. General Note 4 shall be corrected to read that the proposed use of the property is as a commercial day care center for 23 children.
- n. The parking calculations provided on the site plan shall be revised to reflect that the requirements of Sec. 27-568(A) (6) of the Zoning Ordinance are reduced by 80 percent by the Port Towns sector plan, but that this reduction results in no difference in the parking requirement as parking calculations are always required to be rounded up to the next whole number.

- o. The width of the proposed parking spaces shall be dimensioned at eight feet.
 - p. The existing building on site shall be dimensioned.
 - q. General Note 6 shall either be eliminated or clarified as follows: An existing in-home ten-child day care is being replaced by a commercial day care for 23 children through the approval of this detailed site plan. The structure on the property will no longer be utilized as a residence.
 - r. Procure from DPW&T, and submit to Urban Design staff as designee of the Planning Board, either a statement of exemption from stormwater management requirements or a written statement that the subject project is in conformance with the requirements of the approved stormwater management concept or any required and approved revisions thereto.
 - s. The applicant shall include on the detailed site plan a single high quality inverted u-style bicycle rack, accommodating two bicycles.
2. Prior to issuance of a certificate of occupancy for the day care use, the applicant shall modify the plan as necessary to address Zoning Ordinance requirements for parking facilities for the physically handicapped in one of the following ways:
- a. Provide one parking space for the physically handicapped in reasonable proximity to the property, with striping, signage, and an accessible route as required by applicable State and County regulations, and, if in the public right-of-way, accompanied by written permission from the Department of Public Works and Transportation; OR
 - b. Provide evidence of approved waiver of some or all of the applicable regulations from the Maryland Department of Housing and Community Development or other state agency empowered to grant such waivers.

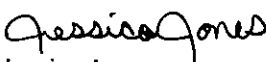
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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 Cavitt, seconded by Commissioner Bailey, with Commissioners Cavitt, Bailey, Squire and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, July 28, 2011, in Upper Marlboro, Maryland.

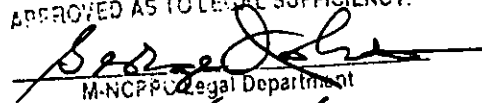
Adopted by the Prince George's County Planning Board this 15th day of September 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department

Date 9/13/11