

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 January 25, 2018, regarding Detailed Site Plan DSP-16050 for Great Eastern Plaza Daycare, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a day care center and an outdoor play area, with a maximum enrollment of 136 children, in the Commercial Shopping Center (C-S-C) Zone
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	C-S-C	C-S-C
Use(s)	Commercial/Retail/ Church	Commercial/Retail/Church/ Day Care Center
Acreage	23.90	23.90
Parcel	1	1
Enrollment	0	136 children

Required Parking and Loading:

New Fitness 24 & Basketball	454
Auto Service & Retail	86
Bank	11
Restaurant	10
Other retail	165
Church	231
Day Care	17
Total Parking Required:	971
Total Parking Provided:	971

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

136 children x 75 square feet = 10,200 square feet at 50 percent = 5,100 square feet*

Enclosed Play Area Provided: 5,100 square feet

*The Zoning Ordinance requires that all outdoor play areas for day care centers for children in commercial zones have at least 75 square feet of play space per child for 50 percent of the licensed capacity, or 75 square feet per child for the total number of children to use the play area at one time, whichever is greater. A maximum of 68 children will be permitted to utilize the play area at one time. Therefore, the total required outdoor play area is 75 times 68 (half of the enrollment, rounded up), or 5,100 square feet. The applicant has met this requirement by providing a play area measuring 5,100 square feet.

3. **Location:** The subject property is located on the south side of MD 725 (Marlboro Pike), approximately 500 feet south of its intersection with Regency Parkway. The property is addressed as 6419 Marlboro Pike and 6423 Marlboro Pike.
4. **Surrounding Uses:** The site is bounded on the east by single-family detached homes in the One-Family Detached Residential (R-55) Zone. Properties to the north across MD 725 are zoned C-S-C and Commercial Office (C-O) and are developed with commercial land uses. The properties to the northwest are zoned C-S-C and are developed with commercial uses along MD 725. The vacant, commercially-zoned parcel to the west is anticipated to be the future site of an athletic field to be associated with the church use on the subject site. The property is bounded by townhouse uses in the Townhouse (R-T) Zone along the southern portion of the western boundary and southern boundary. The subject property adjoins the municipal boundary of District Heights to the north and west.
5. **Previous Approvals:** The existing shopping center was originally constructed in the mid-1950s. Departure from Design Standards DDS-343 and Variance 9593 were approved for a landscape strip, interior landscaping, and loading space location and screening requirements in association with the 1988 site improvements. In 1995, Alternative Compliance AC-95024 was approved by the Planning Director to provide relief from Sections 4.7 and 4.3(a) of the 1990 Prince George's County Landscape Manual in relation to an expansion to the shopping center. Submitted plans are in conformance with these previous approvals and no modifications to the associated loading, landscape strips, and/or bufferyards is proposed with this application. A Stormwater Management Concept Plan (36439-2017-00) was approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) on October 11, 2017, and is valid until October 11, 2020.
6. **Design Features:** The property is a rectangular-shaped parcel, which is accessed directly from MD 725. The property is currently developed with commercial buildings housing a church, a bank, a car shop, a restaurant, miscellaneous retail, and a fitness arena. The proposed day care center and the 5,100-square-foot play area, enclosed by a six-foot-tall sight-tight fence, will be located at the rear of the property.
7. **Prince George's County Zoning Ordinance:** The subject project was reviewed against the relevant requirements of the Zoning Ordinance and finds the project to be in compliance. More particularly, with respect to Section 27-461(b), Table of Uses, the proposed day care center for

children is a permitted use in the C-S-C Zone, subject to Section 27-464.02(a), Day care center for children. The requirements of that section are included in **boldface** type below.

(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;**

The proposed maximum enrollment for the Great Eastern Plaza Daycare is 136 children. Therefore, the required play area for 50 percent of the licensed capacity, or 68 children, is 5,100 square feet. The outdoor play area indicated on the detailed site plan (DSP) measures 5,100 square feet, which meets the size required by the Zoning Ordinance.

- (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;**

The subject outdoor play area is located on the same lot as the day care center, at least 25 feet from any dwelling unit, and is to be enclosed by a six-foot-tall, sight-tight, gated 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;**

The proposed play area will be set back 55 feet from the adjacent property to the east, which doubles the minimum 25 feet from any dwelling unit requirement. The steel reinforced wooden bollards at the borders of the parking area provide a buffer between the driveway and the six-foot-tall sight-tight fence enclosing the proposed play area, which sufficiently protects the health and safety of the children utilizing the play area.

- (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 play area is accessible directly from the rear of the day care center building. There is also an exterior gate to provide an emergency exit.

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

Shade canopies are provided in the outdoor playground area, which should provide sufficient shade for the children playing in the designated area during the warmer months of the year, in accordance with this requirement.

- (vi) **Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to ensure safe operation of the area;**

A note is provided on the DSP indicating that outdoor play is limited to daylight hours only, in conformance with this requirement.

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

A note should be added on the DSP indicating that the hours of operation of the play area will be between the hours of 7:00 a.m. to 9:00 p.m., in conformance with this requirement.

In addition, per Section 27-464.02 of the Zoning Ordinance, a site plan prepared in accordance with the following is required for the day care center. Each requirement is included in **boldface** type below.

(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.**

The subject applicant has conformed to 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.**

The site plan indicates that the maximum number of children to be enrolled in the day care center will be 136 children, in accordance with Subpart (i) of the above requirement. A note should be added to the site plan specifically stating that the maximum enrollment is limited to 136 children. The site plan indicates the adjacent building uses on the adjacent lots. The location and size of the outdoor play area are indicated as required by Subpart (iii) of the above requirement, and the location, quantity, and type of screening are located in accordance with Subpart (iv) of the above requirement. Therefore, it may be said that the applicant has conformed to this requirement.

(3) Enrollment.

(A) For the purposes of this Section, enrollment shall mean the largest number of children enrolled in the center in any one (1) session.

The maximum enrollment is 136 children in the day care center in any one session.

8. **2010 Prince George's County Landscape Manual:** Per Section 1.1 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), the subject project is exempt from the requirements of the Landscape Manual because there is not an increase of gross floor area (GFA), it does not propose a change of use from a lower to higher intensity, and there is no increase in impervious surface. Therefore, the subject site and project is exempt from Sections 4.2, 4.3, 4.6, 4.7, 4.9, and 4.10 of the Landscape Manual.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject property has a previously approved Type II Tree Conservation Plan, TCPII-19-95. The proposed development is fully located within the previously approved limit of disturbance and, therefore, no revision is required.
10. **Prince George's County Tree Canopy Coverage Ordinance:** The subject project is exempt from the requirements of the Tree Canopy Coverage Ordinance, as it proposes less than 5,000 square feet of GFA or disturbance. The majority of the proposed play area is located over existing paved surfaces.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Community Planning**—Pursuant to Part 3, Division 9, Subdivision 3. of the Zoning Ordinance, master plan conformance is not required for this application. This application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) policies for Established Communities. The vision for Established Communities in Prince George's County is to have context-sensitive infill and low- to medium-density development. This application conforms with the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (Marlboro Pike Sector Plan

and SMA), which recommends a mixed-use land use designation for the shopping center. The Marlboro Pike Sector Plan and SMA retained the subject property in the C-S-C Zone. This application is located within the Military Installation Overlay (M-I-O) Zone Imaginary Height Surface E. Within this area, the M-I-O Zone prohibits issuance of permits for development, structures, or alterations of the land that exceed 398 feet in height.

- b. **Transportation**—The day care center, which will be in an existing shopping center, is expected to generate 109 AM and 111 PM trips. A portion of these are assumed to be pass-by trips (vehicles already using the adjacent streets). With pass-by trips factored in, the site would generate 38 AM and 39 PM new peak hour trips. There are no underlying transportation-related plat notes or other conditions that would control development of this site. The existing right-of-way along MD 725 is 108 feet, which is consistent with the 2009 *Approved Countywide Master Plan of Transportation* recommendations.
- c. **Subdivision Review**—There are no subdivision issues.
- d. **Environmental Planning**—The site has an approved Type II Tree Conservation Plan (TCP II-019-95). The proposal is located entirely within the previously approved limits of disturbance; therefore, the current proposal is in conformance with the approved TCP. A review by DPIE has determined that the proposed limits of disturbance is below 5,000 square feet, exempting the development from stormwater management.
- e. **Historic Preservation**—The subject property is adjacent to two documented areas including: Berkshire Subdivision (75A-070) and District Heights Survey Area (75A-057). The Berkshire Subdivision is a residential planned suburban development located between MD 725 and MD 4 (Pennsylvania Avenue), west of I-95/495 (Capital Beltway) in Prince George's County, Maryland, which was first platted in 1947. The 76-acre subdivision comprises 319 single-family houses constructed between 1949 and 1961. Houses in the development are organized on irregular blocks with a mix of linear and curvilinear streets, and comprise of a mix of cape cod, ranch, and split-level forms. These homes are placed on rectangular lots ranging in size from one-tenth to one-quarter of an acre and include front and rear yards. The Berkshire Subdivision conveys the significance of architectural and residential development in Prince George's County during the twentieth century.

The documented community of District Heights (75A-057) was established in the first quarter of the twentieth century as a commuter suburb, located approximately two miles east of the District of Columbia, in Prince George's County. In the late nineteenth century, the land that became District Heights was farmland owned by Major Leander P. Williams. Williams' farm was located adjacent to the Washington and Marlboro Turnpike, which was constructed in 1869 to facilitate easier transportation between the District of Columbia and Prince George's County. The community of District Heights is significant in its conveyance of suburban development in Prince George's County during the early and mid-twentieth century.

The survey and documentation of Mid-Century Modern buildings, structures, and residences is an initiative identified in the 2010 *Approved Historic Sites and Districts Plan*. The shopping center along the east side of the subject property was constructed in 1958, expanded in 1988 and 1995, and should be documented prior to any demolition or grading. The subject property has been extensively graded and extensively disturbed over time. 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.

This proposal will not impact any known Prince George's County historic sites, historic resources, or archeological resources.

- f. **Prince George's County Health Department**—The Environmental Engineering/Policy Program of the Health Department has completed a health impact assessment review of the DSP and has the following comments/recommendations:

- (1) The child day care center must submit a request to the Maryland State Department of Education (MSDE) to obtain a license through the Office of Child Care (OCC) to operate as a child care facility.
- (2) The facility must meet all building, health and sanitation requirements regulated under the Code of Maryland Regulation COMAR 13A.16 or COMAR 13A.17.
- (3) The facility must undergo a lead assessment and all child care areas are to be cleared as a "Lead Safe" environment by a lead inspector licensed by the State of Maryland according to COMAR 26.16.02.03B.
- (4) The outdoor play areas must be free from hazards and all equipment must be clean, non- toxic and in good repair.
- (5) There is one existing carry-out/convenience store food facility and two grocery stores/markets within one-half mile radius of this site. The applicant would be encouraged to prepare nutritional menus for their clients that help fill the gap in access to healthy food choices and to help reduce the prevalence of obesity in the community.
- (6) No construction noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

- (7) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- (8) Indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

This information has been transferred to the applicant who will have to conform to these requirements prior to permit issuance, as necessary. No new light fixtures are proposed.

- 12. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP 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. Section 27-285(b)(4) of the Zoning Ordinance requires that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible if environmental features exist. In this case, the property is devoid of any regulated environmental features.

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 Detailed Site Plan DSP-16050 for the above described land, subject to the following condition:

- 1. Prior to certification, the applicant shall make the following revisions to the plans and submit the following documentation:
 - a. Add a note to the site plan stating: "The maximum day care center enrollment is limited to 136 children."
 - b. Add a note to the site plan stating: "Outdoor play is limited to daylight hours between the hours of 7:00 a.m. to 9:00 p.m."
 - c. The parking schedule shall be corrected to indicate the total spaces required and provided for each individual use on the parcel. Remove the setback, green space, and density information from the development table, as well as any reference to SP-00034.
 - d. Add notes to the detailed site plan regarding the approved tree conservation plan, tree canopy coverage exemption, and the 2010 *Prince George's County Landscape Manual* exemption.

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, January 25, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of February 2018.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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