



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

PGCPB No. 11-55

File No. DSP-86096/03

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 May 26, 2011, regarding Detailed Site Plan DSP-86096/03 for Executive Terrace at Largo Park, the Planning Board finds:

1. **Request:** The subject application is for approval of a daycare use for 45 children and associated outdoor play area within an existing office building complex.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-3	I-3
Use(s)	General Office	General Office, Daycare
Acreage	6.89	6.89
Lots/Parcels	1 lot	1 lot
Square Footage	94,494	94,494 (4,035, Daycare)

Parking Data

Required

Daycare with 45 Children (1 space per 8 children)	6
Total	6

Approved

Standard	194
Compact	176
Handicapped	10
Total	380*

* This is the provided number of parking spaces for the entire office building complex, which is sufficient to meet the requirement of the current uses within the buildings, including the proposed daycare use.

3. **Location:** The subject property is located northwest of the cul-de-sac at the termination of Mercantile Lane, immediately north of its intersection with Technology Way, in Planning Area 73 and Council District 6.

4. **Surrounding Uses:** The subject site is bounded to the southeast by the public right-of-way for the cul-de-sac of Mercantile Lane and to northwest by the public right-of-way of Lottsford Road. To the east, south, and southwest are properties developed with office buildings in the I-3 Zone. To the north of the site is a vacant, graded, I-3-zoned property that has an approved Detailed Site Plan, DSP-05014-01, for the construction of a six-story office building with 144,000 square feet of office space.
5. **Previous Approvals:** On October 11, 1979, the Planning Board approved Conceptual Site Plan SP-79029 for an office park development, which included the subject site. Subsequently, Detailed Site Plan DSP-86066 was approved for the subject development by the Planning Board on July 24, 1986 subject to two conditions. The subsequent Planning Director-approved DSP-86096 on October 27, 1986, and its two revisions were considered revisions to this original site plan. Subsequently, Preliminary Plan of Subdivision 4-98064 was approved by the Planning Board on December 10, 1998. A final plat was approved and recorded at VJ 186 @ 21 on April 13, 1999 for Lot 3, Block B, Largo Park.
6. **Design Features:** The subject property is a wedge shape and is developed with two arc-shaped office buildings, totaling 94,494 square feet, and a 380-space parking lot. The site is surrounded by public rights-of-way and other I-3-zoned properties developed with office buildings. The site is accessed off of a cul-de-sac at the northern end of Mercantile Lane. The two-story buildings, surrounded by parking lots, run generally in a northeast to southwest direction, and are set into the grade as it falls across the site. The proposed daycare center use will be located in the middle of the lower level along the eastern side of the larger building. The outdoor play area will be located within an existing vegetated green space across the drive aisle from the entrance to the daycare use. The improvements associated with the outdoor play area, which are discussed further in Finding 7 below, include fencing, traffic signage, crosswalks, and an additional concrete sidewalk.

No architectural, parking, signage, or landscaping changes have been proposed with this detailed site plan revision.

7. **Zoning Ordinance:** The proposed children's daycare use and outdoor play area are in conformance with Section 27-471, I-3 Zone; Section 27-473, Uses Permitted in the I-3 Zone; and Section 27-474, Regulations in the I-3 Zone. The proposed daycare center is a permitted use in the I-3 Zone as long as it conforms to Section 27-475.02(a)(1) of the Zoning Ordinance, which sets forth additional requirements for a daycare center for children:

- (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 1,688-square-foot outdoor play area is required for 22.5 children, half of the proposed daycare center's maximum enrollment of 45 children. The proposed play area is 1,767 square feet, which is adequate to meet this requirement.

- (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 outdoor play area is not located within 25 feet of any dwelling on any adjoining lot and is proposed to be completely enclosed with a four-foot-high, vinyl coated, chain-link fence. The play area is located in a high visibility area within the office park; therefore, the proposed fencing should be of a higher quality material and style. The Planning Board found that the play area should be enclosed with a four-foot-high, white vinyl, picket-style fence, which will blend with the other nearby existing and proposed fences, and a condition requiring such has been included within this approval.

The proposed play area is located near an existing trash dumpster, which is enclosed with a separate masonry wall and proposed door; an existing electric transformer, which will be screened and separated from the play area with a proposed six-foot-high, white, vinyl, privacy fence; and an existing stormwater management pond, which is separately enclosed with an existing three-rail, white, vinyl fence.

- (iv) **An off-premises outdoor play or activity area shall be located in proximity to the daycare center, and shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway;**

The proposed daycare center is on the lower level of an existing office building that has parking in front of it. Therefore, to access any proposed play area, at least one parking lot drive aisle will have to be crossed. The proposed play area is located directly across the drive aisle from the entrance to the daycare's lease space within the building. To access it, children will be led from the entrance, along the existing sidewalks to the south and east within an island, to the drive aisle, at which point they will cross the drive aisle in between two existing speed bumps to an existing planting island. The area between the speed bumps will be striped with yellow paint for a crosswalk and the island will be improved with a curb cut and small portion of sidewalk. Then the children will be led back to the north on a proposed yellow-painted, striped crosswalk over another drive aisle and onto a proposed concrete sidewalk, which will cross between existing trees, to the gate to the play area. Three traffic signs, labeled "Slow—Children Playing," are proposed along the drive aisles to the north, south, and east of the crosswalks, along with three-foot-high lettering on the drive aisle to the north and south that says "Slow Children." These drive aisles are

internal to the office building site and are not used as cut-throughs to any other properties or roads, so traffic is limited; therefore, the proposed painting and signage improvements will be sufficient to create a safe access path from the daycare center to the outdoor play area. Additionally, because of the proximity of the two, it will be easier for the adult teachers to monitor the children closely both to and from the play area.

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

The proposed play area is located underneath multiple existing white pine and red oak trees, which are generally located within the southern portion. These existing trees will provide shade to the majority of the play area during warmer months. The applicant is proposing to limb all of these trees to eight feet clear from the ground surface for safety reasons. Because of the possibility of disturbance to the trees by the proposed fence, sidewalk, and play area, the Planning Board found that a certified arborist or licensed tree expert should be consulted to develop a tree preservation management plan for all of the existing trees within or immediately adjacent to the outdoor play area in order to verify their health and maximize their growth and viability. A condition requiring this has been included in this approval.

- (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**

The plans indicate that the play area will be limited to daylight hours. Therefore, the play area will not be used during times of darkness and is not required to be lit.

- (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 daylight hours between 7:00 a.m. and 9:00 p.m.

8. **Conformance to Conceptual Site Plan SP-79029:** Conceptual Site Plan SP-79029 was approved by the Prince George's County Planning Board on October 11, 1979, along with Variance VP-98064. The concept plan was approved subject to the following conditions:

1. **Arena Drive shall be a 120-foot right-of-way across the southern limits of the property.**

Though Arena Drive is adjacent to the entire parcel that was the subject of SP-79029, it is not directly adjacent to the subject project site.

2. **No lots shall have direct access to Landover Road or Arena Drive; all access shall be through the proposed internal streets.**

The proposed project does not propose any new accesses and does not have direct access to Landover Road or Arena Drive, but has sole access from Mercantile Lane, an internal street.

9. **Conformance to Preliminary Plan of Subdivision 4-98064:** Preliminary Plan 4-98064 was approved by the Planning Board on December 10, 1998. The Planning Board adopted PGCPB Resolution No. 98-324 on January 7, 1999. The following condition of approval applies to the review of the subject detailed site plan:
 2. **Total development of Lots 2 and 3, as shown on the preliminary plat, shall be limited to the general office buildings which currently exist on the site, or other permitted uses which generate no more peak hour vehicle trips than the uses which exist. Any development other than that identified herein above shall require an additional Preliminary Plat of Subdivision with a new determination of the adequacy of transportation facilities.**

The subject property was Lot 3 of the preliminary plan, as referenced in this condition. The Planning Board reviewed the following analysis of this condition:

The condition was clearly written to require a new subdivision if the use of the site were to be changed or if additional development were to occur. However, the addition of a daycare center within the existing building is not clearly addressed. Various sources suggest that the general office use is intended to serve a variety of tenants and possibly a bank and/or food service establishment, along with other services that serve accessory purposes. Given that the daycare facility is about 4,000 square feet out of the approximately 94,500 square feet that exists on the site, it should not be deemed to effectively be a change in use from general office use that was considered under Preliminary Plan of Subdivision 4-98064. Therefore, the plan is consistent with Condition 2 of the resolution approving that plan.

10. **Conformance to Detailed Site Plan DSP-86096:** Detailed Site Plan DSP-86066 was originally approved for the subject development by the Planning Board on July 24, 1986 subject to two conditions. The subsequent Detailed Site Plan, DSP-86096, was considered a revision to this original approval for changes to building entries, elevations, and landscaping, and was approved by the Planning Director on October 27, 1986. The DSP-86096-01 revision was for the addition of retaining walls, flagstone walks, and plantings around Building 2 and was approved by the Planning Director on September 28, 1990. The DSP-86096-02 revision was for the addition of signage design and locations and was approved by the Planning Director on December 11, 1990. Neither of the conditions of the previous approval is applicable to the review of this detailed site plan revision, which does not involve any new building or parking improvements.
11. **Prince George's County Landscape Manual:** The proposed daycare use and associated playground are exempt from the requirements of the Landscape Manual because the proposed improvements will not require a building or grading permit, do not involve a change of use from a lower to a higher intensity use category or from a residential to a nonresidential use, and do not involve an increase in gross floor area.

12. **Woodland and Wildlife Habitat Conservation Ordinance:** The subject site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance as it has no previously approved tree conservation plans and contains less than 10,000 square feet of woodland on-site. The property was issued a standard letter of exemption on March 8, 2011.

The current application proposes the addition of a daycare center inside an existing building and the construction of an outdoor play area. The project proposes less than 5,000 square feet of disturbance and will not require a grading permit.

The project is not subject to the environmental regulations in Subtitle 27 that came into effect on September 1, 2010 because there is an approved detailed site plan for the property and, as such, the project is considered grandfathered from these provisions.

Because the subject detailed site plan revision will not require a grading permit per Section 4-273(a)(6)(A) of the Prince George's County Code, the following items are not required for this review:

- a. A natural resources inventory
- b. A Type 2 tree conservation plan or a letter of exemption
- c. Demonstration of compliance with Division 3 of Subtitle 25, The Tree Canopy Coverage Ordinance

13. **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**—The application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for employment areas within the Developing Tier. The application conforms to the land use recommendations of the 1990 *Approved Master Plan and Adopted Sectional Map Amendment for Largo-Lottsford, Planning Area 73* for employment-related development at this site. No master plan issues were identified for this application.
- b. **Transportation Planning**—The subject property was given subdivision approval pursuant to a finding of adequate transportation facilities made in 1998 for Preliminary Plan of Subdivision 4-98064. This subdivision was, in turn, composed of lots duly approved and created pursuant to a 1979 subdivision. The uses proposed on this site plan are generally consistent with the uses proposed at the time of preliminary plan, making the basis for the prior findings valid. Therefore, the Planning Board found that the subject project meets the criteria of site plan approval, from the standpoint of transportation, as noted in Subtitle 27 of the County Code. Access and on-site circulation are acceptable and are not proposed to be changed.

- c. **Subdivision Review**—The Planning Board reviewed an analysis of the DSP's conformance to the approved Preliminary Plan of Subdivision (4-98064) and final plat notes and found that there were no subdivision issues.
 - d. **Permit Review**—The Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through proposed conditions of approval of this detailed site plan.
 - e. **Environmental Planning**—There are no required findings that are applicable to this case and no further comments are required.
 - f. **Department of Public Works and Transportation (DPW&T)**—DPW&T indicated that they had reviewed the plans and concluded that they would not require a grading permit based on the proposed improvements for the playground.
 - g. **City of Glenarden**—In a memorandum dated March 29, 2011, the City of Glenarden indicated that they had no comment on the subject application.
14. 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-86096/03, subject to the following conditions:

- 1. Prior to certification of the DSP, the plan shall be revised to propose a four-foot-high, white vinyl, picket-style fence enclosing the proposed outdoor play area.
- 2. Prior to the issuance of a certificate of occupancy for a daycare center, the applicant shall provide a tree preservation management plan, developed by a certified arborist or licensed tree expert, for all of the existing trees within or immediately adjacent to the outdoor play area in order to verify their health and maximize their growth and viability.

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 Cavitt, with Commissioners Clark, Cavitt and Parker voting in favor of the motion, with Commissioner Vaughns opposing the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, May 26, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of June 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCP&C Legal Department

Date 5/31/11