

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 6, 2000, regarding Specific Design Plan SDP-9601 for Marlboro Village Center, ■Kidz Can• Day Care Center (Parcel B), the Planning Board finds:

1. The subject revision to the Specific Design Plan SDP-9601/04 is for the Kidzcan day care center in the Marlboro Village Center. The day care center is proposed within Building Six.
2. Specific Design Plan SDP-9601 for Marlborough Village Center was for a mixed-use shopping center (local activity center) consisting of 151,525 square feet on a 15.28-acre site zoned L-A-C and located northeast of the intersection of Old Marlboro Pike and Brown Station Road. Of the total, 110,000 square feet was intended for retail use and 41,525 square feet was intended for office use.
3. The applicant is proposing a day care center for 176 children in Building Six. Access and parking for the day care center are proposed on the north side of Building Six. The play area is proposed on the east side of the day care center. Access to the play area is through Building Six. A six-foot-high, board-on-board fence is proposed on the south side of the play area. A four-foot-high, chain-link fence is proposed on the north and east side of the play area. The proposed chain-link fence should be replaced by a board-on-board fence for visual consistency on all sides of the play area. A condition of approval has been added to require the same.

The details of the proposal are as follows:

- Proposed enrollment: 176
- Gross Floor Area: 12,050 square feet
- Parking required: 1 per 250 square feet= 49
- Parking provided for the day care center = 49
- Play area required by Section 27-464.02 (see Finding 5 below): 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.
- Number of children to use the play area at one time: 88
- Area of play area required: $176 \times 75 \times 0.5 = 6,600$ square feet
- Area of play area provided: approximately 7,350 square feet
- Hours of operation: 6.30 a.m. to 6.30 p.m. on weekdays

The applicant has not provided information on the hours of operation for the play area. A condition of approval has been added to require the same.

Conformance with Basic Plan

4. The proposed Specific Design Plan is in general conformance with the approved Basic Plan A-9821-C in regard to land use types, quantities and locations. A day care center is a permitted use in the L-A-C (Local Activity Center) Zone.

Conformance with Comprehensive Design Plan

5. The Specific Design Plan is in general conformance with the approved Comprehensive Design Plan CDP-9302. The Comprehensive Design Plan does not contain any specific standards regarding the design of day care centers. As a point of information, however, the proposed day care center, parking and play area are consistent with the requirements of Section 27-464.02, which govern day care centers in conventional commercial zones.

The following CDP findings and conditions merit discussion regarding the Specific Design Plan's conformance with them:

Finding 17

The Comprehensive Design Plan includes a floating symbol of a day care center that might be located in a number of areas within the site. Also, an outdoor plaza is proposed as an amenity feature on the site as fulfillment of the guideline of the Master Plan.

The proposed day care center is a quasi-public use that creates a center of community activity as suggested by the above finding.

Condition 3. All structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association Standard 13.

This condition has been carried forward to the subject Specific Design Plan.

Condition 6. The Specific Design Plan for the retail portion of the site shall include approximately 30 percent of the 40,000 square feet permitted for office in the Basic Plan (minimum of 12,500 square feet) for use as office space. It is intended that uses such as institutional, educational including day care, public, quasi-public, community use or other office type uses shall be counted towards the satisfaction of this provision.

Approximately 12,050 square feet within Building Six will be used for the proposed day care center as required by this condition.

Condition 13. All buildings and accessory structures in the pad sites shall be of compatible facade materials and with a cohesive color scheme, with similar or compatible architectural style.

The proposed brick and vinyl siding facade and asphalt shingle roof will be compatible with the facade materials and colors of the other buildings in Marlboro Village Center.

Condition 14. For pad sites there shall be no freestanding business signs oriented to MD 725 (Old Marlboro Road), Brown Station Road or John Rogers Boulevard, except for those required by law, such as a gas station price sign. A single low, small, freestanding sign may be located in the green area along the main interior drive aisle, oriented to the interior of the project. (Incidental signs for direction and information, such as "no parking," "entrance," and "telephone," are allowed.)

The proposed day care center will be identified by a wall sign on the building and by a freestanding sign along the interior drive aisle as required by the above condition.

Conformance with Preliminary Plat of Subdivision

6. The Specific Design Plan is in conformance with Preliminary Plat of Subdivision 4-96076.

Conformance with Zoning Ordinance and *Landscape Manual*

7. The Specific Design Plan is in conformance with all applicable regulations governing development in the L-A-C Zone. Although there are no specific standards for day care centers in the L-A-C Zone, the proposal complies with the requirements of Section 27-464.02 of the Zoning Ordinance. The day care center is proposed within an approved building and the proposed use will not alter the existing use of the property as a mixed-use shopping center. Therefore, the proposal does not trigger any requirements of the *Landscape Manual* in addition to those already approved in previous Specific Design Plans.
8. The proposed parking is consistent with the following requirements of Sections 27-568 and 27-582, Off-street Parking and Loading, of the Zoning Ordinance:

REQUIRED PARKING SPACES		PROPOSED
FOR THE PROPOSED DAY CARE CENTER		
One for every 250 sq.ft. of the proposed 12,050-sq.ft. day care center	49	49
FOR THE OVERALL SHOPPING		

CENTER		
One for every 250 sq.ft. of the 107,335-sq.ft. of retail area	430	430
One for every 250 sq.ft. of the 24,950-sq.ft. of office area. The office area includes the day care center	100	184
TOTAL	530	614
LOADING SPACES		
3 per 99,999 sq.ft. of gross floor area. 1 per each additional 100,000 sq.ft. The total gross floor area is 132,285 sq.ft.	4	4

Conformance of the Proposed Specific Design Plan with the findings for approval of a Specific Design Plan (Section 27-528, Planning Board Action)

9. *The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the Landscape Manual.*

As stated in Findings 5 , 6 and 7, the proposed Specific Design Plan conforms to the approved Comprehensive Design Plan and the applicable standards of the *Landscape Manual*.

10. *The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.*

The development is consistent with the approved Preliminary Plat 4-96076. Findings for adequate public facilities were made in conjunction with the Preliminary Plat 4-96076 and the Specific Design Plan SDP-9601 for the Marlboro Village Center. One of the previously approved buildings is being used for the proposed day care center. A day care center is a permitted institutional use according to Finding 17 of CDP-9302. The Transportation Planning Section has made a finding that the number of trips generated by the day care center will not cause the development as a whole to exceed the maximum number of trips approved for this development. Therefore, the proposal will be consistent with the previous findings for adequate public facilities.

11. *Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.*

The Department of Environmental Resources has stated that the proposal is consistent with the approved stormwater management concept plan #948003320. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects.

12. *The Plan is in conformance with an approved Tree Conservation Plan.*

The Plan is in conformance with an approved Tree Conservation Plan (TCPII/48/96). There are no tree conservation areas or requirements on this lot.

Referral Responses

13. The Permits Review Section (Bakka to Srinivas, May 17, 2000) has stated that the proposal must comply with the conditions of the previous approvals. Condition 2 below will ensure that this takes place.
14. The Fire Department (Oladeinde to Srinivas, May 22, 2000) has stated that the turning radius must be adequate to accommodate a 43-foot wheel base vehicle.
15. The Washington Suburban Sanitary Commission (Maholtz to Srinivas, April 21, 2000) has stated that the proposal will have no impacts on existing facilities.
16. The Community Planning Division (Lord to Srinivas, May 3, 2000) has stated that there are no master plan issues regarding this proposal.
17. The Environmental Planning Section (Stasz to Srinivas, April 20, 2000) has stated that a Type II Tree Conservation Plan (TCPII/48/96) was approved as a part of SDP-9601. This revision will not impact the approved Tree Conservation Plan.
18. The Department of Environmental Resources (De Guzman to Srinivas, April 25, 2000) has stated that the proposal is consistent with approved SWM concept plan #948003320.
19. The Subdivision Section (Del Balzo to Srinivas, June 16, 2000) has stated that the applicant must include all bearings and distances to determine conformance with the record plat. A condition of approval has been added to require this.
20. The Transportation Planning Section (Burton to Srinivas, June 19, 2000) has stated that the transportation conditions of the previous approvals have been met. Therefore, the subject proposal meets the requirements of Section 27-528 of the Zoning Ordinance.

21. Approval of SDP-9601/04 does not in any way invalidate the approval of SDP-9601 which was approved by the Planning Board on October 31, 1996. All of the applicable findings of SDP-9601/01, SDP-9601/02 and SDP-9601/03 remain valid. A condition of approval has been added to ensure applicability of the previous conditions.

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 the Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to certificate approval, the Specific Design Plan shall be revised to show the following:
 - a. Board-on-board fence instead of a chain-link fence on the north and east side of the play area
 - b. A note regarding the hours of operation for the play area
 - c. Bearings and distances for all property lines to show conformance with the record plat
2. All the previous conditions of approval for SDP-9601, SDP-9601/01, SDP-9601/02 and SDP-9601/03 shall remain valid and shall be applicable to the subject Specific Design Plan SDP-9601/04.

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 Brown, seconded by Commissioner Boone, with Commissioners Brown, Boone and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 6, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2000.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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