

## 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 4, 2001, regarding Detailed Site Plan SP-00046 for For The Peoole Day Care Center, the Planning Board finds:

1. Detailed Site Plan SP-00046 was submitted in accordance with Section 27-464.02(a)(2), which requires a Detailed Site Plan for all day care centers in office buildings. The subject property is zoned C-S-C (Commercial Shopping Center) in which a day care center for children is a permitted use according to Section 27-461 of the Zoning Ordinance.
2. The day care center is proposed within the existing building in the South Potomac Professional Center. The center is located on Livingston Road. The properties to the east and west consist of office uses. Indian Head Highway is to the north of the property and Livingston Road is to the south of the property.

The subject day care center is proposed on the northeastern corner of the existing building. The play area is proposed along the rear (east) property line in a portion of the existing parking lot.

Entrance to the subject site and the day care center is through the two existing entrances for the professional center along Livingston Road.

The details of the proposal are as follows:

- Proposed enrollment: 56
- Gross Floor Area: 1,824 square feet
- Parking required by Section 27-582 for day care centers: 1 per 8 children = 7
- Parking provided for 56 children: 7
- Play area required by Section 27-464.02 : 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: 28
- Area of play area required:  $56 \times 75 \times 0.5 = 2,100$  square feet
- Area of play area provided: approximately 2,106 square feet
- Outdoor play hours allowed by Section 27-464.02: 7 a.m. to 9 p.m.
- Proposed play hours: 7 a.m. to 9 p.m.

The proposed parking, square footage of the play area, and hours of outdoor play are consistent with the requirements of Section 27-464.02, day care center for children, of the

Zoning Ordinance. The applicant has not provided information about the hours of operation for the day care center. A condition of approval has been added to provide the information.

3. The proposed play area will be located along the east property line along the southeastern corner of the parking lot. Various play equipment will be provided in the play area. A four-foot-high, chain-link fence is proposed around the play area. Access to the play area will be through an access route leading to the play area. The applicant has indicated that the operator will set up safety cones on both sides of the route prior to walking children across. The access route is along a sidewalk on the eastern side of the building and through the parking lot to the play area.
4. Section 27-464.02, day care center for children, states (in part):
  - (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 proposal complies with 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;*

There are no dwelling units located on the adjoining properties. The applicant has proposed a chain-link fence to enclose the play area. The height and design of the proposed chain-link fence will not be sufficient to completely enclose the play area to ensure safety of the children utilizing it and screen the play area from the adjacent uses like parking and loading spaces. A condition of approval has been added to require a board-on-board or a stockade fence instead of the proposed chain-link fence on the north, south and west sides of the play area. The portion of the fence along the eastern property line is along the bufferyard for Indian Head Highway. A four-foot-high fence will not be sufficient to screen the play area from the noise and visual impacts of Indian Head Highway. A six-foot-high fence will be more appropriate along this property line to adequately screen the play area. A condition of approval has been added to require a six-foot-high, board-on-board or stockade fence along the east side of 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 applicant is proposing a gate along the north side of the play area for access to the play area. The purpose of the gate is to ensure the safety of the children by preventing them from wandering into the parking lot while going in and out of the day care center and the play area. The gate must be open when the children are being taken to the play area from the day care center and vice versa. The gate must be closed when the children are in the play area to ensure their safety. The gate must have a latch that is located at a height of minimum four feet from the finished surface of the walkway so that the children cannot access it. The gate must not be locked but the latch must be designed in such a way that it can be easily operated by adults. A condition of approval has been added to ensure these safety requirements.

There are two parking spaces adjacent to the play area on the north side of the play area. The parking space immediately adjacent to the play area should be eliminated and bollards must be placed along the parking space so that it cannot be used, to ensure the safety of the play area, protect the play area fence, and provide easy access to the play area. A condition of approval has been added to require the same.

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

The play area is on the southeast side of the property. The fence and the existing trees are not sufficient to shade it. A condition of approval has been added to require an outdoor shade structure for the play area to provide sufficient shade during the warmer months.

- (iv) *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*

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

The play area will not be used after daylight hours.

5. The subject Detailed Site Plan will not significantly alter the existing conditions on the site. The existing parking spaces will be utilized for the day care center. The professional center requires a total of 270 parking spaces according to the Zoning Ordinance requirements. There are 275 existing parking spaces in the shopping center. Two loading spaces are required by the Zoning Ordinance for the shopping center and two loading spaces have been provided. The parking spaces to be used for the day care center must be clearly shown on the site plan. A condition of approval has been added to require the same.

Since the proposal does not include addition of new square footage, the reconfiguration of the parking lot to add new parking spaces or change in use of the subject property as a whole, it is exempt from the requirements of the *Landscape Manual*.

6. The Permits Review Section (Gallagher to Srinivas, October 18, 2000) has requested minor revisions to the Site/Grading Plans and expressed concerns regarding the location of a loading space adjacent to the access route to the play area. A condition of approval has been added to require the minor changes and to relocate the loading space next to the access route or relocate the access route to ensure the safety of the access route.
7. The Environmental Planning Section (Metzger to Srinivas, November 3, 2000) has commented that the proposal is subject to the provisions of the County Woodland Ordinance because it is more than 40,000 square feet in size. There is no previously approved Tree Conservation Plan for this site. The proposal is, however, exempt from the requirements of the Woodland Ordinance. The section also found that there are no significant environmental impacts due to the proposal. A condition of approval has been added to require a letter of exemption from the Environmental Planning Section.
8. The Department of Environmental Resources (De Guzman to Srinivas, October 27, 2000) has no objections to the proposal.
9. The Subdivision Section (Chellis to Srinivas, November 7, 2000) has stated that the subject site is made up of three separate parcels, Parcel 247, Parcel ■A• and Parcel ■B•. The site plan must be revised to provide reference to these plats and a deed that created Parcel 247 must also be provided. The right-of-way dedication in accordance with the plats of subdivision must be provided. Also, the bearings and distances for all property lines must be provided. The year of construction of the existing structure must also be provided. A condition of approval has been added to require the same.
10. The Transportation Planning Section (Masog to Srinivas, October 19, 2000) has no comments regarding the proposal.
11. The proposal is not altering the overall existing use of the property as a professional office center and is utilizing the existing building and vacant area for the day care center and play area. There are no significant alterations to the existing site that will impact the existing grading and drainage conditions on the property. The proposal will not have any significant adverse impacts on the subject property or the surrounding properties. Therefore, Detailed Site Plan SP-00046 is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs 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 for the above-described land, subject to the following conditions:

1. Prior to certificate approval the applicant shall:
  - a. Revise the site/grading and landscape plans to show the following:
    - (1) A note stating the hours of operation for the day care center
    - (2) A four-foot-high, board-on-board or stockade fence instead of the proposed chain-link fence for the north, south and west sides of the play area
    - (3) A six-foot-high, board-on-board or stockade fence along the east side of the play area
    - (4) A note stating that the gate shall be closed when the play area is being used. The gate shall only be open when the children are being taken in and out of the play area. It shall have a latch that is located at least four feet from finished grade in the play area and easily operated by adults
    - (5) The parking space to the north of the play area eliminated and bollards placed along the parking space so that it cannot be used as a parking space
    - (6) A note stating that a shade structure shall be provided for the play area to provide sufficient shade during the winter months
    - (7) The parking spaces to be used for the day care center clearly demarcated
    - (8) A 16-foot-wide and 19-foot-long van-accessible parking space for the physically handicapped according to ADA regulations shown on the site plan and parking table
    - (9) A note stating that the play area is set back at least 25 feet from any residential dwellings
    - (10) References to Parcel 247, Parcel ■A• and Parcel ■B•
    - (11) References to the deed that created Parcel 247
    - (12) Right-of-way dedication in accordance with the plats
    - (13) Bearings and distances for all property lines
    - (14) A note stating the year of construction for the existing structure
    - (15) Relocation of loading space next to the access route or relocation of the access route so that it is not adjacent to the loading space

- b. Obtain a letter of exemption from the Environmental Planning Section, Countywide Planning Division.

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 Brown, seconded by Commissioner Lowe, with Commissioners Brown, Lowe, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, January 4, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of January 2001.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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