

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 December 21, 2000, regarding Detailed Site Plan SP-00047 for Southern Marketplace Day Care Center, the Planning Board finds:

1. Detailed Site Plan SP-00047 was submitted in accordance with Section 27-464.02 (a)(2) which requires a Detailed Site Plan for all day care centers in commercial zones. 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 existing Southern Marketplace Day Care Center. The shopping center is located at the intersection of Southview Street and Southern Avenue. The shopping center has a variety of retail uses. The property to the south consists of residential uses, the property to the north consists of retail uses, the property to the east is a commercially zoned vacant site and Southern Avenue is on the west side of the subject property.

The subject day care center is proposed on the southwestern portion of the existing building. The play area is proposed along the rear (south) of the existing building along Southview Street. There is an existing retaining wall along the street that screens the subject property from the street.

Entrance to the subject site and the day care center is through the three existing entrances for the shopping center along Southern Avenue. Some of the existing parking in front of the existing building will be used for the day care center parking.

The details of the proposal are as follows:

- Proposed enrollment: 169
- Gross Floor Area: 10,400 sq.ft.
- Parking required by Section 27-582 for day care centers: 1 per 8 children =22
- Parking provided for 169 children: 29
- Play area required by Section 27-464.02 : 75 square feet of play space per child for 50% 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: 23
- Area of play area required: $169 \times 75 \times 0.5 = 6338$ square feet
- Area of play area provided: approximately 6365 square feet
- Hours of operation: 6.00 A.M. to 1 A.M. on weekdays
- 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.

3. The proposed play area will have two 12'x12' portable shade structures. An existing light on a pole will be retained. A four-foot high chain-link fence is proposed for the day care center. Access to the play area will be through the day care center and access to the day care center will be through the parking lot for the shopping center on the north side of the building. There is a sidewalk along the north side of the building for access into the building.

4. Section 27-464.02, Day care center for children, states (in part):

■All outdoor play areas shall be 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 4 feet in height; a greater setback from adjoining 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 play area shall contain sufficient shade during the warmer months to afford protection from the sun.●

The outdoor play area is set back more than 25 feet from any dwelling unit. 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 dumpsters 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.

The height of the existing retaining wall enclosing the south side of the play area must be at least four feet to meet the above requirement. A condition of approval has been added to ensure the same.

The applicant has provided two gates, one on the east side and one on the west side, for the play area. The gates should be closed when the play area is being used to prevent the children from wandering into the parking lot or the loading areas. The gates should only be open when the children are being taken into the play area and vice versa. The gate should have a latch that is located at a height of no less than 4 feet from the finished grade in the play area so that the children cannot access it. The latch should be designed in such a way that it can be easily operated by adults. A condition of approval has been added to ensure these requirements.

Some shrubs should also be added along the fence to soften the appearance of the play area from the parking lot. A condition of approval has been added to require the additional landscaping.

With the proposed conditions, the proposal is consistent with the requirements of Section 27-464.02 regarding screening and safety of the play areas.

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 shopping center requires a total of 260 parking spaces according to the Zoning Ordinance requirements. There are 333 existing parking spaces in the shopping center. Three loading spaces are required by the Zoning Ordinance for the shopping center and three loading spaces have been provided. 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, November 14, 2000) has requested minor revisions to the Site/Grading Plans to show the height of the retaining wall, van space and information about previous permits to upgrade the parking lot to current standards. A condition of approval has been added to require these changes.
7. The Environmental Planning Section (Metzger to Srinivas, November 21, 2000) has commented that the proposal is exempt from the requirements of the Woodland Conservation Manual because the site is more than 40,000 square feet but contains less than 10,000 square feet of woodland. The Section also found that there are no significant environmental impacts due to the proposal and a tree conservation plan will not be required. 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, November 20, 2000) has no objections to the proposal.
9. The Subdivision Section (Chellis to Srinivas, June 15, 2000) has stated that the site plan must be revised to reflect Parcel A in accordance with the Final Plat 46@34. The Tax map and grid must be provided on the site plan. The reference to Parcel B or Parcel C must be removed to reflect that there are no Parcels B and C. A condition of approval has been added to require these changes.
10. The Department of Public Works and Transportation (Asghari to Srinivas, November 29, 2000) has stated that roadway improvements along Southern Avenue and Southview Street must be in accordance with DPW&T standards and specifications.
11. The Community Planning Division (Fields to Srinivas, November 17, 2000) has stated the master plan supports the location of the proposed use in a shopping center. However, some concerns have been expressed regarding some potential for inadequate turn areas for trucks along the rear of the property due to the proposed location of the play area. A condition of approval has been added to ensure that adequate turning areas have been provided.

12. The Transportation Planning Section (Masog to Srinivas, November 20, 2000) has stated that the existing buildings and permitted use pose no off-site transportation issues. However, some concerns have been expressed regarding some potential for inadequate turn areas for trucks along the rear of the property due to the proposed location of the play area. As stated in Finding 11, a condition of approval has been added to ensure that adequate turning areas have been provided.
13. The proposal is not altering the overall existing use of the property as an integrated shopping 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. The addition of shrubs along the play area will enhance the existing appearance of the center. Therefore, Detailed Site Plan SP-00047 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 four-foot-high board-on-board or stockade fence instead of the proposed chain-link fence for the play area
 - (2) shrubs along the east and west sides of the play area to partially screen the fence and the play area from the parking lot
 - (3) a minimum height of four feet for the portion of the retaining wall enclosing 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) a note correctly reflecting that the property is in the C-S-C Zone
 - (6) height of the retaining wall at all locations

- (7) notes and information regarding previous permits for upgrading the parking lot to current standards
 - (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) revisions to reflect Parcel A in accordance with the Final Plat 46@34.
 - (11) references to Parcel B and Parcel C removed
 - (12) the tax map and grid
 - (13) circulation patterns and turning radius for trucks along the loading spaces along the rear (south) of the property to demonstrate that the location of the play area does not conflict with the circulation areas for the trucks along the rear of the property.
- 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.

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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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Brown and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 21, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of January 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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