

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 May 25, 2000, regarding Detailed Site Plan SP-98043 for Early Learning Development Center, the Planning Board finds:

1. Detailed Site Plan SP-98043 is for an addition of a day care center in the Parkland Stop and Shop Shopping Center, located southeast of the intersection of MD 458 and Marlboro Pike.

The proposed day care center is located in the southeast corner of the shopping center. Sunny Surplus is attached to the proposed day care to the south. The children will have direct access to the play area by a door located at the rear of the day care center. This door should be used for entering and exiting the play area.

2. The site development data for SP-98043 is as follows:

Early Learning Development Center  
SP-98043

Zone	C-S-C
Area	5.23 acres
Use	Shopping Center
Proposed Use	Day Care
Proposed Enrollment	50 children
Playground area required (minimum)	1,875 square feet
Playground area provided	1,890 square feet
Parking required (day care only) (1 space per 8 children)	7 spaces
Parking required (for all uses)	183 spaces
Parking provided (for all uses)	*202 spaces
Loading required (for all uses)	3 spaces
Loading provided (for all uses)	*5 spaces

\*See Finding #3

3. The notes on the Detailed Site Plan indicate that 190 parking and 6 loading spaces are provided. The Urban Design Section counts 203 parking spaces and 6 loading spaces. The parking and loading spaces adjacent to the south side of the play area should be

eliminated, thus leaving the applicant 202 parking spaces (an excess of 9 parking spaces) and 5 loading spaces (an excess of 2 loading spaces). The applicant should revise the note on the Detailed Site Plan to reflect the correct amount of parking being provided.

4. The applicant is proposing to excavate the existing macadam surface located in the proposed play area. The proposed play area will be approximately 50 percent lawn and 50 percent mulched area. Details of the substructure of the play area should be added to the plan. These include but are not limited to the following: the depth of the excavation, materials to be used for fill, such as gravel, sand, crusher run, soil, etc. Curbing should be installed on the perimeter of the play area to ensure retention of the surface materials. Details of the curbing should be added to the detail sheet which should include but not be limited to the height of the proposed curb and the location of curb cuts for drainage.

The applicant proposes to install steel bollards on the north and south perimeters of the proposed play area. These bollards should be spaced four feet on center and a detail should be added to the detail sheet of the Detailed Site Plans.

Play equipment (see attachment ■A●) is being proposed for the 26-foot x 30-foot play area. The Consumer Product Safety Commission's *Handbook for Public Playground Safety* dictates that the fall zone shall be covered with the appropriate resilient surface around any play equipment. This fall zone varies depending on the equipment, but is generally six feet wide and follows the contours of the piece of play equipment. No piece of equipment may intrude into another piece of equipment's fall zone. The applicant should provide the proper fall zones and resilient surface material as recommended by the Consumer Product Safety Commission's *Handbook for Public Playground Safety* (pub. #325). Staff believes resilient surfacing is more appropriate than mulch for the fall zone areas. The plans should be revised to indicate that resilient surface materials should be used in the areas where fall zones are required.

5. Special Exception #3278 (PGCPB No. 81-301) was approved on November 12, 1981. The subject special exception was for an approval of a Jiffy Lube. This approval predates the requirements of the *Landscape Manual*. At the time of approval of the special exception, the application was subject to the following sections of the Zoning Ordinance: Section 27-419 (a)(7)(A) requiring an automobile parking compound to be visually screened from adjoining residentially-zoned property, and such screening to be situated on the subject property; and Section 27-419(a)(7)(B) requiring a six-foot-wide landscaped strip to be located between any public street and an automobile parking compound that is situated in a yard that abuts a street. The contents of the two referenced sections have been modified; however, the plans should be in conformance with the approved special exception plans. The plans that were submitted at the time of application of the special exception (per the Notice of Decision, SE-3278, page 3, #10) indicated the following:

■ . . a six foot wide planted strip at the property line adjoining the apartments. It appears that this strip exists now. White pines located eight feet off center are to be placed or are in this strip. Some of these trees appear to be off the property and within the R-18 Zone.●

Comment: Condition 1 of the special exception states the following:

- That an agreement be signed between the applicant and the adjoining R-18 zoned property owner, assuring the provision and maintenance of the landscape materials illustrated on the site plan...•

The applicant was then required to obtain a Departure from Design Standards due to the plant materials not being installed on the subject property. The Departure from Design Standards (DDS #140, PGCPB No. 82-70) was approved on April 29, 1982, and states the following pertaining to landscaping:

- ...the applicant has proposed to plant white pines, eight-feet on center straddling the common property line in some locations, and entirely upon the adjoining R-18 property in others and the provision of this screening provides an acceptable buffer...•

The applicant also entered into a perpetual maintenance agreement with the Parkland Village apartment complex for the care and maintenance of said plant materials (attachment ■A•).

At the time of submittal of the Detailed Site Plan for the day care, staff became aware that the site was not in conformance with the prior above-referenced approvals. Since the subject site was not in conformance with prior approvals, it became subject to the requirements of the *Landscape Manual*. The applicant applied for Alternative Compliance (AC 99024, attachment ■B•) to seek relief from Section 4.7 of the *Landscape Manual*. The request for alternative compliance was recommended for denial by the Planning Director; therefore, the applicant applied for a Departure from Design Standards from Section 4.7 of the *Landscape Manual*. (See companion DDS # 512.)

6. The two dumpsters behind building # 6023 that are presently in a required green area should be moved. This green area was used previously to calculate required green area. The Detailed Site Plan should be revised to relocate the two dumpsters in nongreen areas, and a note should be added to the plan calling out the calculations of green area for the site.
7. The Permit Review Section had several concerns which have been addressed except for one, concerning the height of all structures, as required by Section 27-254 of the Prince George's County Zoning Ordinance. The applicant should revise the plans to include the height of all structures on the site including the proposed canopy.
8. The plans were referred to the Bureau of Special Hazards, Prince George's County Fire Department, where they were found acceptable as submitted.
9. The Office of Child Care Licensing had not responded to the referral request at the time the staff report was written.
10. Section 27-464.02(a)(1)(A)(iv) of the Zoning Ordinance states:

■Sufficient lighting shall be provided on the play area if it is to be used before or after daylight hours to insure safe operation of the area;•

Lighting has not been provided for the play area to be operated safely before or after daylight hours. A note should be added to the plan stating that the play area will only be used during daylight hours. Alternatively, adequate lighting should be shown on the plan.

11. The plan will be in compliance with the Zoning Ordinance and the *Landscape Manual* for a day care center in the C-S-C Zone if the recommended revisions are made to the Detailed Site Plan and if companion Departure from Design Standards 512 is approved.
12. The plan will, if revised in accordance with the proposed conditions of approval, represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from 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 Detailed Site Plan SP-98043 with the following conditions:

1. Prior to certificate approval, the following revisions and/or notes shall be made or added to the Detailed Site Plan:
  - a. The two (2) trash dumpsters located behind building # 6023 shall be moved and relocated so as not to encroach into any designated green space.
  - b. The appropriate resilient surfacing materials shall be installed in the play area and fall zones shall be in conformance with the recommendations of the Consumer Product Safety Commission's *Handbook for Public Playground Safety*.
  - c. The children shall access the play area by the door located at the southeast corner of the day care center building.
  - d. A note stating that the play area will only be used during daylight hours shall be placed on the plan, or alternatively, the applicant shall revise the plans to indicate adequate lighting is being provided.
  - e. The applicant shall provide the Urban Design Section with a 20-scale detail of the proposed area outlined in red on the plan. This 20-scale detail shall include but not be limited to: the location of the steel bollards (installed 4 feet on center), the entrance and exit to the play area, the location of the gate, and the curbing and the steps leading to the play area.

- f. The one (1) parking space and one (1) loading space abutting the south side of the play area shall be eliminated. The applicant shall place ■No Parking• signs in these spaces. A detail of the signage shall be added to the detail sheet.
- g. The plans shall be revised to include the height of all structures on the site including the proposed canopy.

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 Boone, seconded by Commissioner McNeill, with Commissioners Boone, McNeill and Hewlett voting in favor of the motion, and with Commissioner Brown absent, at its regular meeting held on Thursday, May 25, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of June 2000.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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