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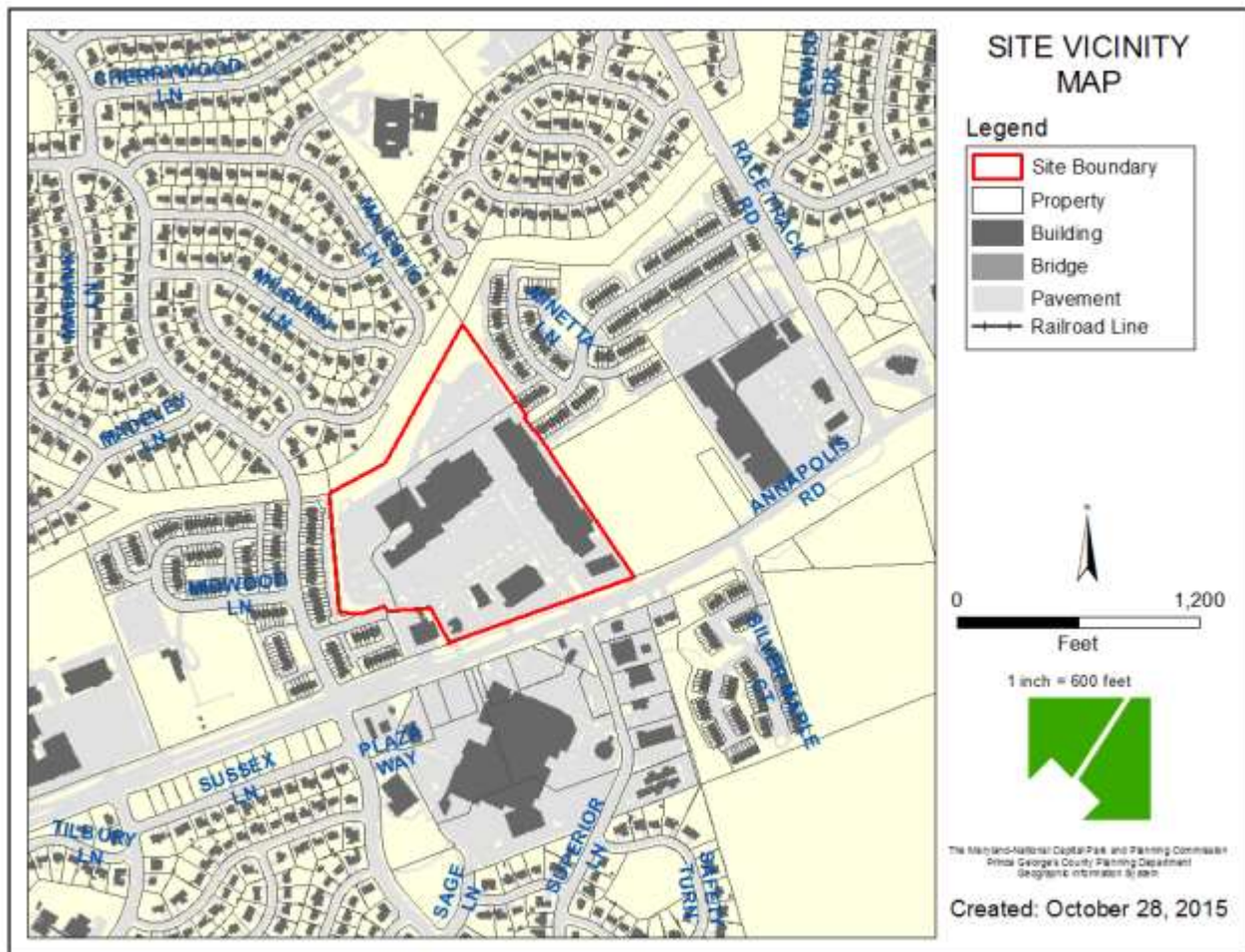
Detailed Site Plan Alternative Compliance

**DSP-15004
AC-15022**

Application	General Data	
Project Name: Freestate Shopping Center, Children of America Day Care Center Location: Located on the northeast corner of Annapolis Road (MD 450) and Superior Lane. Applicant/Address: Federal Realty Investment Trust 50 E. Wynnewood Road, Suite 200 Wynnewood, PA 19096	Planning Board Hearing Date:	11/19/15
	Staff Report Date:	11/05/15
	Date Accepted:	08/28/15
	Planning Board Action Limit:	11/09/15
	Plan Acreage:	28.94
	Zone:	C-S-C
	Dwelling Units:	N/A
	Gross Floor Area:	12,500 sq. ft.
	Planning Area:	71B
	Council District:	04
	Election District	14
	Municipality:	Bowie
	200-Scale Base Map:	209NE13

Purpose of Application	Notice Dates	
Detailed Site Plan: To raze the existing building and construct a new building for a day care center for 232 children. Alternative Compliance: Subject to Section 4.2, Requirements for Landscapes Strips along Streets, to permit the majority of the required plant material to be within the right-of-way along its frontage of Annapolis Road (MD 450).	Informational Mailing:	06/15/15
	Acceptance Mailing:	08/27/15
	Sign Posting Deadline:	10/19/15

Staff Recommendation		Staff Reviewer: Alam, Taslima Phone Number: 301-952-4976 E-mail: Taslima.Alam@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-15004
Alternative Compliance AC-15022
Freestate Shopping Center, Children of America Day Care Center

The Zoning Review staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of APPROVAL with conditions, as described in the Recommendation section of this report.

EVALUATION

This detailed site plan was reviewed and evaluated for compliance with the following criteria:

- a. Conformance to the following sections of the Prince George's County Zoning Ordinance:
 - (1) Section 27-454, Purposes of the C-S-C Zone;
 - (2) Section 27-461, Uses permitted in the C-S-C Zone;
 - (3) Section 27-462, Regulations in the C-S-C Zone;
 - (4) Section 27-464.02, Day care center for children, Requirements; and
 - (5) Section 27-617, Institutional – Other than temporary signs.
- b. Conformance to the requirements of the 2010 *Prince George's County Landscape Manual*.
- c. Conformance to the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance.
- d. Conformance to the Prince George's County Tree Canopy Coverage Ordinance.
- e. Conformance to the requirements of Special Exception SE-1792, Revision of Site Plan ROSP-1792, and Departure from Design Standards DDS-321.
- f. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Zoning Review staff recommends the following findings:

1. **Request:** The subject application is for a day care center for 232 children, also known as Children of America Day Care Center. The applicant proposes to demolish the existing 26,344-square-foot bowling alley building, which is currently vacant, and construct a new building in the same location. The new building will consist of a 12,500-square-foot day care center and a 10,000-square-foot outdoor play area. A redesign of a portion of the parking lot immediately in front of the subject building is also proposed. The applicant has also requested sign departures from the City of Bowie for exceeding the maximum allowed sign area for one building-mounted sign and one directional sign. The applicant is also required to obtain approval of a minor revision to the previously approved Special Exception SE-1792, due to the impact of the development on a small portion of the existing parking lot.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C and R-R	C-S-C and R-R
Use(s)	shopping center with vacant bowling alley	shopping center with new building for a day care center
Acreage	28.94	28.94
Parcels	2	2
Gross leasable area of shopping center	276,000	249,656
Gross leaseable area of day care center	0	12,500
Total Gross Leasable Area	276,000	262,256

3. **Location:** The subject day care is located in an integrated shopping center known as the Freestate Shopping Center. More specifically, it is located on the north side of Annapolis Road (MD 450), at its intersection with Superior Lane, and within Council District 4. Access to the site is via four driveway entrances from MD 450. The 28.94-acre property is located on Tax Map 38, in Grid B-4.

4. **Surrounding Uses:** The property is surrounded by the following uses:

North—	Across a drainage easement, is single-family residential development in the R-80 Zone.
South—	Across Annapolis Road (MD 450), is an integrated shopping center in the Commercial Shopping Center (C-S-C) Zone.
East—	The Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland and north of the parkland is Blair Town, a townhouse development in Townhouse (R-T) Zone.
West—	Contiguous to the subject shopping center is townhouse development in the R-T Zone.

5. **Previous Approvals:** This detailed site plan (DSP) consists of two legal parcels of land in a split zone. Parcels A and B were the subject of Preliminary Plan of Subdivision 12-3122, approved on May 22, 1968 and recorded in Plat Book WWW 68-56. Subsequently, a number of special exception applications were approved on the site for various commercial uses, including the existing building to be used as a bowling alley. On August 21, 1968, the Prince George's County District Council granted Special Exception SE-1792 for the purpose of an automobile parking

compound within the Rural Residential (R-R) zoned portion of the site (Zoning Resolution No. 339-1968). On June 1, 1988, the Prince George's County Planning Board approved a revision of the special exception site plan (ROSP-1792) authorizing minor changes to SE-1792 (parking compound) in accordance with Section 27-325 of the Prince George's County Zoning Ordinance (PGCPB Resolution No. 88-234). As part of the ROSP, a Departure from Design Standards (DDS-321) was also approved from several Zoning Ordinance requirements, with conditions. Departures from the standards of the Zoning Ordinance were approved for landscaping, screening, loading space location, loading space screening, and connection to a street (PGCPB Resolution No. 88-235). On April 10, 2006, Parcels A and B were resubdivided into Parcels C and D and recorded in Plat Book REP 211-49.

6. **Design Features:** The subject site is located within an existing integrated shopping center consisting of various retail uses, department stores, and institutional uses. The subject site is zoned C-S-C and R-R. The proposed day care center is located in the C-S-C-zoned portion of the property, where the use is permitted by-right. The entire shopping center parking lot is paved with approximately 1,369 parking spaces. The applicant is proposing to redesign part of the parking lot and landscape island along the western and northwestern sides of the parking lot and immediately in front of the day care center building. This is done to relocate 12 of the required 29 parking spaces in front of the proposed day care building for the convenience and safety of the day care patrons. Since part of the proposed redesign of the parking lot and landscape island is the subject of previously approved SE-1792 that is located in the R-R-zoned portion of the site, approval of a revision to ROSP-1792 is required from the City of Bowie, as they are the authoritative body to approve the minor ROSP application. Therefore, prior to issuance of the building permit, the applicant should obtain approval of ROSP-1792 from the City of Bowie for the minor changes to the parking lot design for the portion located in R-R Zone. If approved, a copy of the approved ROSP site plan must be provided to M-NCPPC for the appropriate file(s).

Furthermore, the proposed 12,500-square-foot day care center will be located in the northwestern end of the shopping center facing the western side of the parking lot, and the 10,000-square-foot play area will be located in the rear of the building. The site plan detail indicates that the play area will be enclosed by a six-foot-high vinyl-covered aluminum fence; however, the complete details and specifications of the fence was not provided on the site plan. The applicant should clearly label the height and material of the fence and provide details of the style of the fence on the site plan. The day care building further proposes to provide bollards around the entire perimeter of the day care to protect the building and children within the play area.

The building is located at the northwestern end of the shopping center. It does not front or face any other building in the shopping center. A colored architectural rendering was submitted showing all four elevations of the building. It appears that the elevation uses a mix of various masonry materials and a well-articulated building façade that will aid this building to be compatible with other uses in the shopping center. The mix of architectural materials includes split-face concrete masonry unit (CMU) veneer, brick veneer, and exterior insulation and finish system (EIFS) on all elevations. The submitted architectural elevation shows that 2.5 feet of split-face CMU veneer is being used at the lower portion of the southern, western, and eastern elevations and the remaining façade is proposed on EIFS. Staff recommends that brick veneer be provided on these elevations above the 2.5 feet of split-face CMU, up to eight feet in height, because the proposed EIFS is not durable, can be easily damaged, and provides a canvas for graffiti.

Furthermore, the Bowie City Council approval required that the color of the doors leading from the classrooms to the outside on the northern, southern, and eastern elevations should be painted to match the color of the adjacent background building walls. In addition, all roof-mounted mechanical or heating, ventilating, and air conditioning (HVAC) equipment proposed for the new building should be screened from view. The architectural elevations appear to address these conditions.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP is in conformance with Section 27-454, Purposes of the C-S-C Zone; and Section 27-461, Uses permitted in the C-S-C Zone. The proposed day care center is a permitted use in the C-S-C Zone. The DSP is also in conformance with Section 27-462, Regulations in the C-S-C Zone.

With the recommended conditions, the DSP will be in conformance with Section 27-464.02 of the Zoning Ordinance, which sets forth additional required findings for a day care center for children:

(1) Requirements.

(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;**

Comment: The applicant is proposing an enrollment capacity of 232 children, and a maximum of 17,400 square feet of play area is required to accommodate the full enrollment at one time. However, a minimum play area of 50 percent of the enrollment (116 children) may be provided as long as only half of the children are in the play area at a given time. For 116 children, a play area of 8,700 square feet is required ($232 \times 50\% = 116 \times 75 = 8,700$). The existing play area is 10,000 square feet, which will allow for a maximum of 133 children to utilize the play area at one time ($133 \times 75 = 10,000$). A condition is recommended describing the maximum number of children allowed at one time.

- (ii) **All outdoor play areas shall be located on the same lot as the center 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;**

Comment: The proposal is in conformance with this requirement.

- (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;**

Comment: The location of the existing play area within the shopping center does not necessitate a greater setback or higher fence. Although the applicant did not provide the distance from the play area to the adjacent properties, staff measured the closest distance from the play area to the northern property line. This appears to be approximately 80 feet. In addition, beyond this property line, exists a naturally wooded area and M-NCPPC parkland. A six-foot-high vinyl-covered aluminum fence is proposed around the play area. Therefore, staff believes that the proposed six-foot-high fence is sufficient, and a greater setback or higher fence around the play area will not be needed to protect the health and safety of the children utilizing 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;**

Comment: As the outdoor play area in this case is not off-premise, this requirement does not apply to the subject project.

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

Comment: The applicant proposes a 1,120-square-foot shade structure in the outdoor play area to provide sufficient shade during the warmer months, to afford protection from the sun.

- (vi) Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to ensure safe operation of the area;**

Comment: The statement of justification indicates that the Children of America Day Care Center does not propose to use the play area before or after daylight hours, therefore, lighting of the play area is not required.

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

Comment: The statement of justification indicates that the hours of operation will be between 7:00 a.m. and 9:00 p.m. A note should be added to the site plan indicating that the outdoor play area will be limited to daylight hours only.

(2) Site plan.

- (A) A Detailed Site Plan shall be approved for the center, in accordance with Part 3, Division 9, of this Subtitle to insure compliance with the provisions of the Section.**

Comment: Should the subject site plan be approved as recommended, and in accordance with this requirement, it may be said that the subject applicant has conformed to this requirement.

(B) In addition to the submittal requirements of Part 3, Division 9, the Detailed Site Plan shall show:

- (i) The proposed enrollment;**
- (ii) The location and use of all buildings located on adjoining lots;**
- (iii) The location and size of outdoor play or activity areas; and**
- (iv) The location, quantity, and type of screening and landscaping.**

Comment: General Note 3E indicates that the proposed use will be a day care center, but does not indicate the maximum number of children to be enrolled in the day care center, as required in Subpart (i) above. General Note 3E of the site plan should be revised to indicate the proposed maximum enrollment of children in the day care center. The site plan does not indicate the location and uses of all adjacent buildings on the adjacent lots as required in Subpart (ii) above. The site plan should be revised to show the location and uses of all buildings on adjoining lots. The location and size of the outdoor play area are indicated as required by Subpart (iii) of the above requirement, and the location, quantity, and type of screening are located in accordance with Subpart (iv) of the above requirement. Therefore, it may be said that the applicant has not conformed to all of the requirements of 27-464.02(2)(B), and recommended conditions have been provided for the Planning Board's adoption.

8. **Parking and Loading Requirements:** The following is an analysis of the parking and loading requirements set forth in Part 11 of the Zoning Ordinance.

Number of Required Parking Spaces—Section 27.568(a)(5)(C), Schedule (number) of spaces required, generally, of the Zoning Ordinance requires one parking space for every 250 square feet of gross leasable area (GLA) for integrated shopping centers between 25,000 to under 400,000 square feet of GLA. For a shopping center with 276,000 square feet of GLA, 1,104 parking spaces are required. The site plan provides a total of 1,218 parking spaces for the various uses in the shopping center, including 29 spaces for the proposed day care center with two handicap van-accessible parking spaces located close to the day care building. While the parking calculation is correct, the Bowie City Council recommended certain conditions regarding parking spaces and safe pedestrian crossing on-site. To this effect, the applicant should address Conditions 1, 2, and 4 set forth by the Bowie City Council in Finding 14 below.

Number of Required Loading Spaces—Section 27-582(a), Schedule (number) of spaces required, generally, of the Zoning Ordinance requires three loading spaces for less than 100,000 square feet of gross floor area (GFA) and one space for each additional 100,000 square feet of GFA. The entire shopping center requires five loading spaces. The site plan provides six loading spaces servicing the existing uses in the shopping center. This section further requires one loading space specifically for institutional uses that are 10,000 to 100,000 square feet of gross floor area in size. The proposed day care is comprised of 12,500 square feet; therefore, one separate loading space should be provided, specifically for the day care center. The location of this loading space is specified in Condition 3 of the Bowie City Council's decision in Finding 14 below. Moreover, at the time of the site visit, staff noted that the southern side of the building site also has a couple of loading spaces that are being used per the SE-1792 site plan approval. These loading spaces should be shown on the site plan. Also, directly adjacent to the play area appears to be a loading area. Loading activities adjacent to the play area would be disruptive. Therefore, staff recommends that the plans be revised to indicate that loading is prohibited in that area and that the pavement should be marked "No Loading" in the field. All proposed or existing loading spaces should be shown on the site plan.

9. **Signs:** The site plan shows two institutional building signs labeled Sign 1 and Sign 2 for the day care center. The plan also shows one directional sign labeled Sign 3. The proposed Sign 2 exceeds the maximum area allowed of 48 square feet. Also, proposed Sign 3 exceeds the maximum area allowed of 16 square feet for the directional sign.

Departure requested of the City of Bowie—The applicant has requested approval of a departure from sign design standards from the City of Bowie. More specifically, the applicant requested departure approval from Sections 27-617 and 27-620(b)(2) of the Zoning Ordinance regarding signage area for a proposed building sign and for a proposed on-site directional sign. Section 27-617(a)(1) limits a building sign for an institutional use (Children of America Day Care Center) to 48 square feet. The area of one building sign is proposed to be 58.5 square feet, so a departure of 10.5 square feet is necessary for that sign. Section 27-620(b)(2) limits the area of an on-site directional sign to 16 square feet in a commercial zone. Since the applicant is proposing an on-site directional sign with an area of 31 square feet, a departure of 15 square feet is necessary.

Staff had a telephone conversation with Frank Stevens, Senior Planner, City of Bowie, who informed staff that the Bowie Advisory Planning Board is scheduled to meet on November 24, 2015 to discuss this case. At this point, the City's recommendation is unknown for both requested departures. A City of Bowie staff report will be prepared on November 17, 2015. The recommendation, however, will not be acted on by the Bowie City Council, nor can it be finally approved until January 4, 2016 at the earliest, which is after the scheduled Planning Board hearing for this case. Please note that, should the City of Bowie deny the requested departures, the applicant will be required to reduce the area of its signs to meet the requirements of the Zoning Ordinance, or the signs should be removed from the plans prior to certification of the site plan.

10. **2010 Prince George's County Landscape Manual:** The proposal is subject to Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because it involves construction of more than 5,000 square feet of new building on the subject property. The applicant has filed this request for Alternative Compliance from Section 4.2 to permit the majority of the required plant material to be within the right-of-way along its frontage of Annapolis Road (MD 450).

REQUIRED: 4.2 Landscape Strip along Streets, along Annapolis Road (Option 4)

Length of Landscape Strip	638 feet
Width of Landscape Strip	4 feet
Wall	3-foot-high, masonry
Shade Trees	19

PROVIDED: 4.2 Landscape Strip along Streets, along Annapolis Road (Option 4)

Length of Landscape Strip	638 feet
Width of Landscape Strip	5–28 feet
Wall	3-foot-high stone-faced wall
Shade Trees	21 (approx. 12 within SHA ROW)
Shrubs	90 (approx. 45 within SHA ROW)

Justification of Recommendation

The underlying DSP application proposes to demolish and rebuild a small portion of the overall shopping center building at the rear of the site that then subjects the entire property to the Landscape Manual requirements. The applicant is requesting Alternative Compliance from Section 4.2, Requirements for Landscape Strips along Streets, of the Landscape Manual along the entire frontage of Annapolis Road (MD 450). Under Option 4, Section 4.2 requires a minimum four-foot-wide landscape strip with a three- to four-foot-high masonry wall and one shade tree per 35 linear feet of frontage. The subject property meets these requirements in terms of width and wall requirements, but it appears that the majority of the provided plants were inadvertently located within the Maryland State Highway Administration (SHA) right-of-way. This is usually not acceptable, as SHA could remove the plant material at any time compromising the screening effect of the landscape strip. However, given the fact that the wall and all of the plant material are existing, have been maintained in good condition, and most of the shade trees are located along the actual right-of-way line, it is not practical for the required number of shade trees to be provided on the subject property.

Therefore, as an alternative to the normal requirements of Section 4.2, the applicant proposes to maintain the existing 17 shade trees (approximately 12 within the SHA right-of-way) and 90 shrubs (approximately 45 within the SHA right-of-way), plant an additional 4 shade trees on the property, and provide a widened landscape strip. The Alternative Compliance Committee agrees that the existing site conditions make full compliance with the Section 4.2 requirements along the Annapolis Road frontage impractical and that this issue arises from redevelopment of a site in an older community. However, there appears to be room for two more shade trees on the property at the western end of the frontage, which would improve the situation should SHA remove some of the trees within the right-of-way. A condition has been included below requiring the addition of two more trees.

Given the provision of the existing masonry wall and a widened landscape strip on the property, along with the required plant materials both on the property and within the public right-of-way, the Alternative Compliance Committee finds the proposed alternative compliance measures to be equally effective as normal compliance with Section 4.2 of the Landscape Manual. Some technical revisions, as conditioned below, are required prior to approval of the landscape plan.

Recommendation

On November 4, 2015 the Planning Director recommended APPROVAL of Alternative Compliance from Section 4.2, Requirements for Landscape Strips along Streets, of the 2010 *Prince George's County Landscape Manual*, along Annapolis Road (MD 450), for Freestate Plaza, Parcels C and D, subject to the following conditions:

- a. Prior to certification of the detailed site plan (DSP), the following revisions shall be made:

- (1) The Section 4.2 landscape plan and schedules should be added to the overall DSP set. Add notes within the Section 4.2 schedule regarding the alternative compliance approval and the quantity of plants within the public right-of-way.
- (2) Show the dimensions of the landscape strip and driveway openings on the landscape plan.
- (3) Show the existing overhead utility lines on the landscape plan and replace the proposed sycamore trees with a more utility-friendly shade tree species.
- (4) Provide a label for the existing wall on the landscape plan that specifies the height and material.
- (5) Provide two more shade trees within the western end of the landscape strip, for a total of 23 shade trees provided.

Comment: These conditions are also included in the Recommendation section of this report.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the property has less than 10,000 square feet of existing woodlands on-site, and there are no previously approved tree conservation plans on the subject site.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The application is subject to the requirements of the Tree Canopy Coverage Ordinance, as it involves land disturbance of more than 5,000 square feet. The DSP limits of disturbance area of 41,746 square feet, or 0.96 acre, is required to provide ten percent, or 4,138 square feet, of tree canopy coverage (TCC). A TCC worksheet has been provided on the landscape plan specifying that this requirement is being met.
13. **Other Issues:** The proposed 232-child day care center is expected to produce waste products, such as diapers, food products, plastic recycling products, etc. Therefore, staff believes that a large commercial trash dumpster will be necessary for the use. The applicant neither proposed any trash dumpster on-site, nor designated any location of the trash dumpster to be placed on the site in the near future. Staff recommends that a commercial-size waste disposal container be added on the site in a location away from the play area. All trash and recycling facilities should be carefully located, oriented, and screened in accordance with Section 4.4(c)(4) of the Landscape Manual. With regard to the trash area, the Bowie City Council also recommended a condition. Staff supports the City Council's recommendation; therefore, a condition has been included in the Recommendation section of this report.
14. **Referrals:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Subdivision Review**—In a revised memorandum dated November 2, 2015, the Subdivision Review Section stated that this memorandum supersedes the previous referral dated September 14, 2015. The revised memorandum states that additional information is required to determine if a new preliminary plan of subdivision will be required. Parcels C and D were developed together as an integrated shopping center. General Note 3G should be corrected to include the overall gross floor area (GFA) for the integrated shopping center. Add to each building included within the integrated shopping center its individual GFA and date of construction. After this requested information is

provided, the Subdivision Section will be able to determine if the case will qualify for an exemption from filing a new preliminary plan through Section 24-111(c)(4) of the Subdivision Regulations, which states the following:

The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of a site that is not subject to a Regulating Plan approved in accordance with Subtitle 27A of the County Code, has been constructed pursuant to a building permit issued on or before December 31, 1991.

Plan Comments

To address the exemption from filing a preliminary plan contained in Section 24-111(c)(4), the applicant provided supplemental information in a letter dated October 22, 2015 (Gibbs to Nickle) and included a permit plan dated 1974. The building proposed (12,500 square feet) with this DSP (Sheet 4 of 9) replaces an estimated ±25,909-square-foot building. This information should be provided on the site plan. The exemption in Section 24-111(c)(4) requires that the GFA in existence prior to 1991 exists today, and “constitutes” at least ten percent of the total area of this site. Based on aerial photographs available on PGAtlas, additions and the removal of GFA have occurred between 1984 and 1993 which makes this determination difficult (PGAtlas has a gap between 1984 and 1993). Staff has compared the 1984 aerial to the current 2014 aerial (Subdivision Staff Exhibit), and by scaling those aerials, we believe that 18 percent (228,310 square feet) of the site (28.9441 acres), being Parcels C and D in their entirety (REP 211-49), has been developed before 1991 and still exists as of 2014. However, this analysis (Subdivision Exhibit) was based on aerial photographs and, without verification by the applicant, is not sufficient to determine an exemption from the requirement to file a preliminary plan.

It is the applicant’s responsibility to demonstrate and provide a preponderance of evidence of this exemption. In this instance, while permits may not be readily available with the additions and deletions in building area over the years, by reviewing the aerials, staff has and asked the applicant to verify that the assumptions are in fact correct, and a preliminary plan is not required for the development proposed by DSP-15004.

Prior to signature approval, we recommend the following plan revisions:

- (1) Provide the gross floor area for the entire integrated shopping center in General Note 3G.
- (2) Pursuant to Section 24-111(c) of the Subdivision Regulations, the applicant shall:
 - (a) Provide a statement in the affirmative of the assumptions in the Subdivision exhibit, or
 - (b) Add to each building included within the integrated shopping center its gross floor area and date of construction.

Failure of the site plan and record plat to match (including bearings, distances, and parcel sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

- b. **Permit Review**—In a memorandum dated September 10, 2015, the Permit Review Section offered following comments:
- (1) The hours of operation should be demonstrated in the site plan notes.
 - (2) The height of the fence located around the play area should be demonstrated on the site plan.
 - (3) Per Section 27-617 of the Zoning Ordinance, the maximum area for each sign is 48 square feet.
 - (4) Per Section 27-617 of the Zoning Ordinance, the maximum number of signs is one per street the property fronts on (must face street frontage).
- c. **Community Planning**—In a memorandum dated September 8, 2015, the Community Planning Division stated that this application is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035) policies for an Established Community. Plan Prince George's 2035 describes established communities as areas appropriate for context-sensitive infill and low- to medium-density development and recommends maintaining and enhancing existing public services, facilities, and infrastructure to ensure that the needs of existing residents are met.
- The site is located within the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B*. The master plan includes this property as part of the Bowie Main Street Mixed-Use Activity Center. This application is consistent with the 2006 master plan's policies for the Bowie Main Street Mixed-Use Activity Center. The vision for the Bowie Main Street is an active lively place with pedestrian-friendly streetscapes designed for residents, workers, and shoppers set amid high-quality attractive commercial, residential, civic, institutional, and recreational uses.
- d. **Environmental Planning**—In a memorandum dated October 28, 2014, the Environmental Planning Section offered the following:

The Environmental Planning Section has reviewed the above referenced DSP stamped as received by the Environmental Planning Section on August 28, 2015. The Environmental Planning Section recommends approval of DSP-15004 with no conditions.

Background

The Environmental Planning Section has not previously reviewed any other development review applications for the subject site.

An approved and signed Natural Resources Inventory, NRI-118-15, was issued on June 19, 2015. This site also has a Standard Woodland Conservation Exemption Letter, S-104-15, which is valid until June 19, 2017.

Grandfathering

The project is subject to the current regulations of Subtitles 24 and Subtitle 25 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new DSP and there are no previous approvals.

Site Description

The subject property is located on the northern side of Annapolis Road (MD 450) between the intersections of Marquette Lane and Superior Lane. The site is relatively flat and contains no woodlands. The site is within the Middle Potomac Watershed that drains into the Patuxent River Basin. The predominant soils found to occur, according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Collington-Wist-Urban land complex (0–15 percent slopes), and Urban land-Collington-Wist complex (0–5 percent slopes). According to available information, Marlboro clay and Christiana complexes are not found to occur on this property. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this site. There are no floodplains, streams, Waters of the U.S., or wetlands associated with the site. No forest interior dwelling species (FIDS) or FIDS buffer are mapped on-site. The site has frontage on MD 450, a master-planned arterial roadway that is regulated for noise. The site also fronts on Marquette Lane, which is an unclassified road not regulated for noise. Annapolis Road is also identified as a historic roadway. According to the 2005 *Approved Countywide Green Infrastructure Plan*, the site contains no regulated, gap, or network areas.

Environmental Review

- (1) An approved Natural Resources Inventory, NRI-118-15, was submitted with the application. The site does not contain regulated environmental features such as wetlands, streams, associated buffers, steep slopes, and 100-year floodplain. No revisions are required for conformance to the NRI.
- (2) The site is exempt from the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property has less than 10,000 square feet of woodlands on-site and no previously approved tree conservation plan. This site has an approved Standard Woodland Conservation Exemption (S-104-15) that expires June 19, 2017. No revisions are required for conformance to the WCO.
- (3) A stormwater management concept approval letter and associated plan were submitted with the application for this site. The approval was issued on July 22, 2015 with this project from the City of Bowie.
- (4) The predominant soils found to occur according to the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include the Collington-Wist-Urban land complex (0–15 percent slopes), and Urban land-Collington-Wist complex (0–5 percent slopes). According to available information, Marlboro clay and Christiana complexes are not found to occur on this property.

This information is provided for the applicant's benefit. The County may require a soils report in conformance with Section 4-276(a)(13) during the building permit review process.

- e. **Transportation**—The Transportation Planning Section offered no comments with regard to this proposal.

- f. **Prince George's County Police Department**—In a memorandum dated September 3, 2015, the Police Department requested a few clarifications regarding lighting and security cameras inside and outside of the building and recommended that the fence in the play area be six feet high and of a “see-through” design.
- g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 6, 2015, DPIE stated that:
- (1) The property is located on the northeast corner of Annapolis Road (MD-450) and Superior Lane. Site is accessed from MD 450; therefore, coordination with the Maryland State Highway Administration (SHA) is required. The site does not front on any County-maintained roadway.
 - (2) The site is located within the City of Bowie. The City reviews, approves, and issues stormwater management permits; therefore, coordination with the City is necessary.
 - (3) The County issues grading permits within the City of Bowie; therefore, a grading permit from DPIE will be required.
- h. **Prince George's County Health Department**—In a memorandum dated September 10, 2015, the Health Department stated that:
- (1) There is an increasing body of scientific research suggesting that artificial light pollution can have lasting adverse impacts on human health. Future plans should indicate that all proposed exterior light fixtures will be shielded and positioned so as to minimize light trespass caused by spill light.

Comment: The Bowie City Council had similar concerns with regard to lighting. Conditions have been included in the Recommendation section of this report to address this issue.

- (2) Scientific research has demonstrated that a high quality pedestrian environment can support walking both for utilitarian purposes and for pleasure, leading to positive health outcomes. Indicate how the project will provide for pedestrian access to the site by residents of the surrounding community.

Comment: As indicated, this site has access via four driveways from Annapolis Road (MD 450). It is not anticipated that the residents of the surrounding community will not be walking with the children to the day care center, as most will be coming by car to drop-off and pick-up children.

- (3) Prior to issuance of a building permit, the Health Department will require approval of kitchen design plans that conform to applicable provisions of Code of Maryland Regulations (COMAR) 10.15.03 governing Food Service Facilities.

Comment: The applicant is aware of this requirement of the Health Department, as the referral comments were provided to the applicant prior to the writing of this staff report.

- (4) During the construction phases of this project, no noise should be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

Comment: A condition has been included in the Recommendation section of this report to address this issue.

- (5) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

Comment: A condition has been included in the Recommendation section of this report to address this issue.

- i. **Maryland State Highway Administration (SHA), the Prince George's County Fire/EMS Department, the Maryland Department of Human Resources, the Washington Suburban Sanitary Commission (WSSC), Verizon, and the Baltimore Gas and Electric Company (BGE)**—As of the writing of this report, these sections, divisions and departments offered no comments.
14. **City of Bowie:** The subject property is located within the limits of the City of Bowie. In a letter dated September 11, 2015, the City of Bowie offered the following:
- “The Bowie City Council conducted a public hearing on the above referenced Detailed Site Plan (DSP) at a public hearing on September 8, 2015. The applicant in this case, FL V Free State Limited Partnership, is proposing to demolish an existing vacant bowling alley in the Free State Shopping Center, and construct a 12,500 sq. ft. children's day care center with an attached 10,000 sq. ft. outdoor play area. The existing property contains 28.94 total acres and is zoned C-S-C (Commercial Shopping Center) and R-R (Rural-Residential). However, the development is proposed only on the C-S-C-zoned portion of the property, where the child care center is a use permitted by right in that zone.
- “During the public hearing portion of the meeting, the City Council focused its questions on the type of fence proposed to enclose the outdoor play area, and expressed its opinion that this use is ideal for the property. No member of the public signed-up to speak during the hearing.
- “At the conclusion of the public hearing, the City Council voted unanimously to recommend **APPROVAL of Detailed Site Plan #DSP-15004** with the following conditions, which are intended to maintain the consistency of features with the existing buildings on this site, to improve site and building aesthetics, and to conform to the City's Development Review Guidelines and Policies:
- “1. All handicap parking spaces shall be painted blue in their entirety, in addition to the standard pavement-painted symbol and signage being located at the head of each space. A note shall be provided on the site plan reflecting this condition.

- “2. One of the handicap spaces shall be a van accessible space, which shall be designated on the plan and in the field.
- “3. One loading space shall be provided to the west of one of the islands in the parking field in front of the entrance to the child care center. The loading space shall be identified on the site plan and in the field.
- “4. Pavement-painted striping, as well as signage, shall be provided in the area between the two islands at the eastern end of the rows of parking, to identify this area being used as a pedestrian crossing. This pedestrian crossing design shall also be shown on the site plan.
- “5. Lighting
 - “A. The combined height of all new parking lot light poles and bases, if any, shall not exceed 21.5 feet. The color of any new parking lot light poles and fixtures shall be compatible with the existing parking lot poles and fixtures.
 - “B. Parking lot lighting shall use full cut-off fixtures that are fully shielded and directed downward to reduce glare and light spill-over. The lighting system shall include timing devices to turn off unneeded light during times the child care center is not opened. A note to this effect shall be provided on the site plan.
- “6. Signage
 - “A. No signs shall be permitted in any of the building’s windows.
 - “B. No flags, banners or large, inflatable forms of advertising shall be mounted, suspended or otherwise displayed from the building, or be permitted on the site, except one standard-size American flag. A note shall be provided on the site plan reflecting this condition.
- “7. Building Architecture
 - “A. All roof-mounted mechanical or HVAC equipment proposed for the new building shall be screened from view.
 - “B. The color of the doors leading to/from the classrooms to the outside on the northern, southern and eastern elevations, shall be painted to match the color of the adjacent background building walls.
- “8. The site plan shall be amended to show the location of the trash area. The trash area shall be enclosed on three sides by eight-foot high solid walls, with a visually solid, sight-tight fence. The materials of the walls of the trash area shall be compatible with the brick veneer used on the child care center building.
- “9. A note shall be placed on the site plan stating that outdoor play shall be limited to the hours of between 7 A.M. and 9 P.M.”

Comment: Staff has included the City of Bowie’s condition in the Recommendation section of this staff report.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Zoning Review staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-15004 and Alternative Compliance AC-15022 for Freestate Shopping Center, Children of America Day Care Center, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made:
 - a. Correct the site plan title/project name to “Detailed Site Plan for Freestate Shopping Center (Children of America Day Care Center)”
 - b. Provide the proposed gross floor area for the entire integrated shopping center in General Note 3G.
 - c. Pursuant to Section 24-111(c) of the Subdivision Regulations, the applicant shall:
 - (1) Provide a statement in the affirmative of the assumptions in the Subdivision exhibit, or
 - (2) Add to each building included within the integrated shopping center its gross floor area and date of construction.
 - d. Delete the existing gross floor area for the bowling alley in General Note 3G because this will be removed (razed).
 - e. Indicate on the site plan the details and specifications of the fence around the playground area.
 - f. Revise the parking and loading schedule as follows:
 - (1) Provide the total gross leasable area of the shopping center and show the parking calculation for the required number of parking spaces for the shopping center and the institutional uses and the provided number of parking spaces, accordingly.
 - (2) Provide the gross floor area (GFA) of the entire shopping center (commercial uses), excluding the GFA of the day care center, and show the calculation of the loading space based on the GFA.
 - (3) Provide the gross floor area (GFA) of the day care center (institutional use) and the loading calculation for required and provided, based on this GFA.
 - g. Add a note on the site plan showing the hours of operation of the day care center.
 - h. Add a note on the site plan stating that the outdoor play area shall be limited to daylight hours only.

- i. Provide a note on the site plan stating that a maximum of 133 children can use the play area at one given time.
- j. Provide one van-accessible handicap parking space and label on the plan, in front of the entrance of day care center.
- k. Paint all handicap parking spaces blue in their entirety, in addition to the standard pavement-painted symbol and signage being located at the head of each space. In addition, a note shall be provided on the site plan reflecting this condition.
- l. Provide one loading space (12 feet by 33 feet) to the west of one of the islands in the parking field in front of the entrance to the child care center. The loading space shall be identified on the site plan and in the field, as conditioned by the City of Bowie.
- m. Pavement-painted striping, as well as signage, shall be provided in the area between the two islands at the eastern end of the rows of parking, to identify this area being used as a pedestrian crossing. This pedestrian crossing design shall also be shown on the site plan.
- n. Show the location of the trash area on the site plan for the day care center use. The trash area shall be located such that it is not within close proximity of the play area and enclosed on three sides by eight-foot-high solid walls, with a visually solid sight-tight gate. The materials of the walls of the trash area shall be visually compatible with the brick veneer used on the child care center building, as conditioned by the City of Bowie.
- o. Provide a minimum of eight-foot-high brick veneer atop the proposed concrete masonry units (CMU), along all elevations.
- p. Provide notes on the plans in accordance with the Prince George's County Health Department's recommendations by adding notes to the plans as follows:
 - (1) Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
 - (2) Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- q. The Section 4.2 landscape plan and schedules shall be added to the overall DSP set. Add notes within the Section 4.2 schedule regarding the alternative compliance approval and the quantity of plants within the public right-of-way.
- r. Show the dimensions of the landscape strip and driveway openings on the landscape plan.
- s. Show the existing overhead utility lines on the landscape plan and replace the proposed sycamore trees with a more utility-friendly shade tree species.
- t. Provide a label for the existing wall on the landscape plan that specifies the height and material.
- u. Provide two more shade trees within the western end of the landscape strip, for a total of 23 shade trees provided.

2. No signs shall be permitted in any of the building's windows.
3. No flags, banners, or large inflatable forms of advertising shall be mounted, suspended, or otherwise displayed from the building, or be permitted on the site, except one standard-size American flag. A note shall be provided on the site plan reflecting this condition.
4. Prior to issuance of the building permit, the applicant shall obtain approval of a revision of Revision of Site Plan ROSP-1792 from the City of Bowie for minor changes to its parking lot design located in the Rural Residential (R-R) Zone. A copy of the approved ROSP site plan shall be provided to The Maryland-National Capital Park and Planning Commission (M-NCPPC) to update the detailed site plan file record.
5. Prior to certification of the plans, the applicant shall obtain the requested departures from the City of Bowie or the applicant shall reduce the area of its signs to meet the requirements of the Prince George's County Zoning Ordinance, or the signs shall be removed from the plans.
6. The combined height of all new parking lot light poles and bases, if any, shall not exceed 21.5 feet. The color of any new parking lot light poles and fixtures shall be compatible with the existing parking lot poles and fixtures.
7. Parking lot lighting shall use full cut-off fixtures that are fully shielded and directed downward to reduce glare and light spill-over. The lighting system shall include timing devices to turn off unneeded light during times when the child care center is not open. A note to this effect shall be provided on the site plan.
8. Loading adjacent to the play area shall be prohibited and pavement shall be marked accordingly in the field.
9. All roof-mounted mechanical or heating, ventilating, and air conditioning (HVAC) equipment proposed for the new building shall be screened from view.
10. The color of the doors leading to/from the classrooms to the outside on the northern, southern, and eastern elevations shall be painted to match the color of the adjacent background building walls.
11. Replace approximately eight-foot-high exterior insulation and finish system (EIFS) with brick veneer along the southern, western, and eastern elevations above the proposed 2.5 feet of split-face concrete masonry unit (CMU).