

July 30, 2009

MEMORANDUM

TO: The Prince George's County Planning Board

VIA: Steve Adams, Urban Design Supervisor

FROM: Elizabeth Whitmore, Urban Design Planner

SUBJECT: Detailed Site Plan, DSP-01041
B-G Condominium II - Day Care Center

The Urban Design Section has reviewed the Detailed Site Plan for the B-G Condominium II - Day Care Center. Based on that review and the findings in this report, the Development Review Division recommends DISAPPROVAL as stated in the Recommendation Section of this report.

EVALUATION CRITERIA

This Detailed Site Plan was reviewed and evaluated for compliance with the following criteria:

1. Conformance with the Zoning Ordinance and *Landscape Manual* for a day care center in the I-1 Zone.
2. Conformance with the site design guidelines as outlined in Part 3, Division 9, Subdivision 3, of the Prince George's County Zoning Ordinance.
3. Referrals.

FINDINGS

Based on evaluation and analysis of the subject application, the Urban Design staff recommends the following findings:

1. The Detailed Site Plan is proposing a day care center for 30 children. The site is located on the west side of Penn-Belt Place, approximately 600 feet south of its intersection with Penn-Belt Drive. The site consists of 1.37 acres in the I-1 Zone. The day care is located in an existing building, Unit 6, facing Penn-Belt Place.

The following is the site development data for this site:

Zone	I-1 Zone
Gross Site Area	1.37 Acres
Use	Day Care Center
*Proposed Enrollment	50 children
*Playground Area Required (minimum)	1,875 sq. ft.
*Playground Area Provided	1,889 sq. ft.
*Parking Required (day care only) (1 space per 8 children)	7 spaces
Parking Required (Units 1-5)	16 spaces
Parking Provided (total)	46 spaces

* See Finding #3

2. There is no proposed increase in gross floor area, the new use is less intense than the existing use, and no new parking area is proposed. Therefore, the subject plan is exempt from the *Landscape Manual*.
3. The proposed outdoor play area wraps around the south and eastern portion of Unit 6. There is an existing fence with gate that divides the play area into two separate areas. There is no access from one area to another. Therefore, staff recommends that, should this application be approved, the play area begin at the existing fence and incorporate 63 linear feet along the southern side of the building creating a play area encompassing 1,107 square feet. This play area would allow an enrollment of 30 children. The reduction in enrollment also reduces the amount of required parking for the day care from seven spaces to four spaces.
4. The subject application indicates that a movable shade structure is going to be installed in the outdoor play area. The note on Sheet 1 of the submitted plans states that the siting of the shade structure will not be permanent, thus allowing for a variation in outdoor activities. In concept, staff understand the attraction of being able to move the shade structure. However, staff has concerns as to the instability of such a structure when it has not been properly anchored. Therefore, staff is of the opinion that, should this application be approved, the shade structure should be permanently anchored and the details of the anchoring system should be added to the detailed site plan as well as the final shade structure the applicant proposes to use.
5. The Transportation Planning Section does not object to the proposed use within a developed industrial site.
6. Photographs of the subject site indicate that several dumpsters and mechanical equipment will be visible from the play area. Should this application be approved, all mechanical equipment and dumpsters should be added to the site plan and should be screened from view of the play area.
7. Should this application be approved, a six-foot-high vinyl fence should be installed on the perimeter of the play area. The design of said fence should be selected after consultation with the Urban Design Section. Bollards placed four feet on center should be installed on both the southern and western sides of the proposed play area. At this time the plans do not indicate that any play equipment is to be installed. If in the future the applicant wishes to

install play equipment, they should do so in accordance with the *Consumer Product Guidelines for Public Playground Safety*, Pub. No. #325.

8. The Permit Review Section's referral has the following concerns and or comments: the date of construction of the building should be added to the general notes on the site plan, provide the location of all the existing buildings on adjoining lots, and include the building dimensions including the height. An accessible entrance to the building should be shown on the site plan. The parking schedule should be revised to include the types of all parking spaces provided. One van-accessible parking space dimensioned at 16 feet in width should be provided on the site plan. A loading schedule should be added to the plan. Remove the 1/500 parking rate for the proposed day care from the parking schedule. The existing six-foot-wide landscape strip should be labeled on the site plan; the centerline of Penn-Belt Place and the building setbacks should be provided on the site plan.
9. The Office of Child Care Licensing had not responded to the referral request at the time of the writing of the staff report.
10. The Community Planning Division, in a memorandum dated August 30, 2001 (Osei to Whitmore), stated that no master plan issues are raised by this development proposal. However, they state that the proposed day care center is within an area identified by the master plan as a ■Perceptually Sensitive Area• where the level of noise generated by Andrews Air Force Base (flight path) and the Capital Beltway is considered high.
11. The Subdivision Section, in a memorandum dated August 21, 2001 (Del Balzo to Jordan), offered the following comments:

■The record plat contains the following three notes which should be addressed during Detailed Site Plan review:

■This subdivision is located within an AICUZ area. Sound mitigation techniques shall be incorporated into the site design to reduce exterior noise levels by at least 30 decibels to a level no higher than 70 decibels.●

Comment: The noise to which this note applies is overhead noise created by jets landing and taking off from Andrews Air Force Base. Exterior mitigation of this noise source is not feasible.

■This subdivision is located within Accident Potential Zone 1 (APZ-1). Any new buildings are subject to applicable regulations and restrictions of the Federal Aviation Administration.●

Comment: No new buildings are being proposed; therefore, this note does not apply.

■Any further development of these lots shall necessitate site plan approval by the Planning Board prior to building permit. This site plan review shall address, but not be limited to, adequate screening, berming and landscaping to mitigate noise

intrusion from the Beltway and to address the view of this site as seen from the Beltway.●

Comment: The proposed site is barely visible from the Beltway; however, should this application be approved, two additional shade trees (*Zelkova serrata* ♦Green Vase♦) should be added to the eastern side of the fence. Acceptable noise mitigation for a day care at this location appears to be doubtful.

12. Andrews Air Force Base, in a memorandum dated September 4, 2001, (Carson to Whitmore), had the following comments to offer:

■...This site lies within Andrews AFB Accident Potential Zone I (APZ I) as well as the 75-80 DNL noise level. According to Air Force Manual 32-1123, Attachment 4, and the Air Installation Compatible Use Zone Study, the proposed Child Care Center is not compatible with APZ I and the 75-80 DNL noise level. The base strongly recommends that this application be denied.●

Comment: Even though a day care use is allowed in the I-1 zone, staff is in agreement that this day care would be better suited for a site not located within the AFB Accident Potential Zone (APZ I) and not within the 75-80 DNL noise level.

13. The Environmental Planning Section, in a memorandum dated August 31, 2001 (Finch to Jordan), offered the following comments:

■The subject property, while larger than 40,000 square feet, contains less than 10,000 square feet of existing woodlands and is not subject to a previously approved Tree Conservation Plan. As such the site is exempt from the Woodland Conservation Ordinance.

■*Discussion: A Letter of Exemption from Woodland Conservation, which can be obtained from the Environmental Planning Section, will be required at time of application for a grading permit.*

■This property is located within Accident Potential Zone I for Andrews Air Force Base or APZ I. The APZ I is an area that begins 3,000 feet from the end of the runways and extends 1,500 feet on either side of the runway centerline for a distance of 5,000 feet. The APZ I and APZ II account for approximately 16 percent of airplane accidents and although not warranted for acquisition by the Air Force, these areas are recommended for land-use planning and controls for public safety. The ♦Air Installation Compatible Use Zone (AICUZ) Study♦ prepared for the Air Force indicates that residential uses in this zone are incompatible with the airport and commercial and industrial uses could be appropriate if they have a relatively low population or employment density associated with the use.

■The proposed use as a day care center that employs numerous individuals, and is visited by numerous individuals on a daily basis, is in direct conflict with the type of uses identified as being compatible with the APZ I.

■In addition, the proposed day care center is located between the 75 dBA and 80 dBA noise contours for Andrews Air Force Base as reflected in the AICUZ Study. The AICUZ Study indicates that similar types of uses with population and employment densities similar to that of a day care facility are not appropriate for this level of noise impact.

■Interior noise levels for a day care center should generally conform to those required for residential uses, 45 dBA, because there are quiet times and nap times. Interior noise levels can only be reduced by 15 to 20 dBA using standard building methods and materials. Special construction methods and building materials would be necessary to reduce the interior noise levels to 45 dBA.

■The exterior noise impacts cannot be mitigated because the source of the noise is overhead. Section 27-445.03(a)(1)(A)(iii) of the Zoning Ordinance clearly addresses the need to protect the health and safety of the children: *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.* Although this Section does not specifically address noise issues, it does address concerns about the health and safety of the children using the play area and could be construed to include the location of the use itself. Furthermore, the AICUZ Study states that the subject property is an inappropriate location for a use of this type.

■In addition, the Planning Board Resolution condition of approval as stated in the Background section of this memorandum clearly states that exterior noise levels are to be reduced by 30 decibels to a level no higher than 70 decibels. It is not possible to reduce noise levels from overhead sources in outdoor play areas.

■*Recommendation: Because the application submitted does not address the condition of approval that requires exterior noise level reductions to protect the health, safety, and welfare of the children who will occupy the child care facility, and because the AICUZ Study states that this type of use is not appropriate within the Accident Potential Zone, the Environmental Planning Section recommends disapproval of the subject application.*•

14. Section 27-102(a)(1) of the Zoning Ordinance states the purpose of the zoning ordinance is to promote the health, safety, morals, comfort, convenience, and welfare of the present and future residents of the county. The subject application is in conflict with this purpose because the noise levels on the site are higher than are considered healthy for prolonged exposure. Also Section 27-445.03(a)(1)(A)(iii) of the Zoning Ordinance clearly addresses the need to protect the health and safety of children in day care settings: ■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. • This Section does not specifically address noise issues, however, it does address concerns about the health and safety of the children using the play area and should be interpreted to include the location of the use itself. The subject application does not, by virtue of its location, fulfill the intent of the referenced section of the Zoning Ordinance and thus, may not be approved.

RECOMMENDATION

Based upon the foregoing analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and DISAPPROVE DSP-01401, B-G Condominium II Day Care Center.