The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

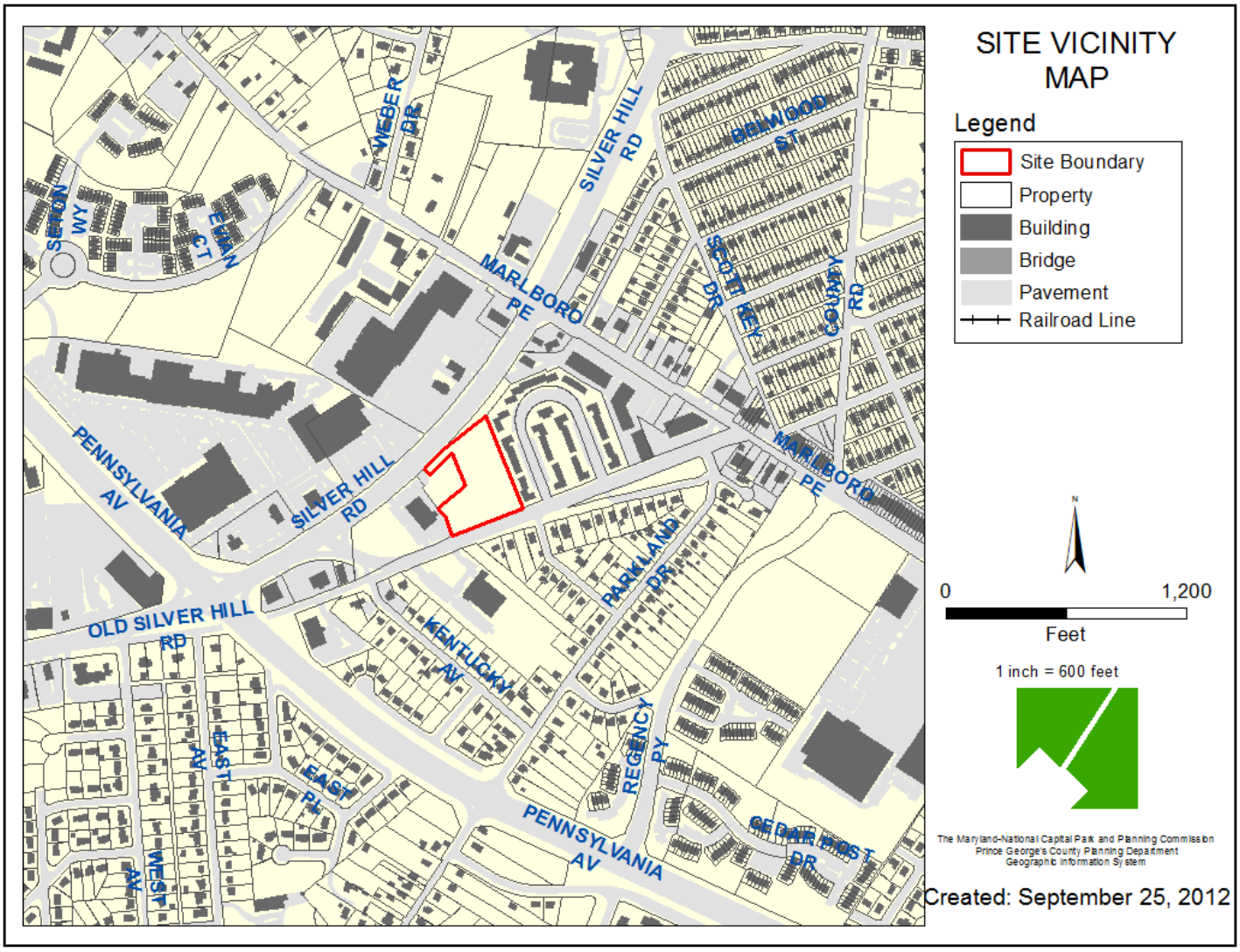
Note: *Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.*

Detailed Site Plan DSP-12045

Application	**General Data**	
Project Name: First Beginnings Children's Center **Location:** In the northeastern quadrant of the intersection of Silver Hill Road (MD 458) and Old Silver Hill Road. **Applicant/Address:** First Beginnings Children's Center LLC 5801 Silver Hill Road District Heights, MD 20747	Planning Board Hearing Date:	03/14/13
	Staff Report Date:	02/27/13
	Date Accepted:	01/10/13
	Planning Board Action Limit:	03/20/13
	Plan Acreage:	4.02
	Zone:	C-S-C
	Dwelling Units:	N/A
	Gross Floor Area:	1,613 sq. ft.
	Planning Area:	75A
	Tier:	Developed
	Council District:	07
	Election District	06
	Municipality:	N/A
	200-Scale Base Map:	204SE05

Purpose of Application	**Notice Dates**	
Day Care Center for 38 Children in existing shopping center.	Informational Mailing:	10/22/12
	Acceptance Mailing:	01/09/13
	Sign Posting Deadline:	02/12/13

Staff Recommendation			**Staff Reviewer:** Ruth Grover, MUP, AICP **Phone Number:** (301) 952-4317 **E-mail:** ruth.grover@ppd.mncppc.org
APPROVAL	**APPROVAL WITH CONDITIONS**	**DISAPPROVAL**	**DISCUSSION**
	X		


SITE VICINITY MAP
Legend
Site Boundary
Property
Building
Bridge
Pavement
Railroad Line
SILVER HILL RD
WEBER DR
BRIWOOD ST
SETON WY
EWAN CT
MARLBORO PE
SCOTT KEY DR
COUNTY RD
PENNSYLVANIA AV
SILVER HILL RD
MARLBORO PE
PARKLAND DR
OLD SILVER HILL RD
KENTUCKY AV
REGENCY PY
EAST AV
EAST PL
WEST AV
PENNSYLVANIA AV
CEDAR POST DR
0
1,200
Feet
1 inch = 600 feet
The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Geographic Information System
Created: September 25, 2012

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE' S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-12045
Type II Tree Conservation Plan TCPII-030-98-01
First Beginnings Children's Center

The Urban Design 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) 27-453 C-S-C Zone
(2) 27-461 Uses Permitted in the C-S-C Zone
(3) 27-462 Regulations in the C-S-C Zone
(4) 27-464.02 Additional Requirements for a day care center for children in commercial areas

b. Conformance to the requirements of the Final Plat approved on November 8, 2007 and recorded in plat book PM 224-55.

c. Conformance to the requirements of the 2010 *Prince George's County Landscape Manual.*

d. Conformance to the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO).

e. Conformance to the Tree Canopy Coverage Ordinance (TCC).

f. Referral Comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommends the following findings:

1. **Request:** The detailed site plan is a request for approval of a day care center for 38 children in a 1,613-square-foot Unit E of the existing Shops at Silver Hill shopping center in the Commercial Shopping Center (C-S-C) Zone.

2. **Surrounding Uses:** The subject property is located in the northeastern quadrant of the intersection of Silver Hill and Old Silver Hill Roads. The site is bounded to the south by Old Silver Hill Road; to the north by Silver Hill Road; to the east by multifamily housing; and to the west by the Silver Hill Shopping Center.

3. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-97088, which was approved for the Shops at Silver Hill shopping center by the Planning Board on December 18, 1997. PGCPB Resolution No. 97-363 was subsequently adopted by the Planning Board on January 22, 1998, formalizing that approval. The project is also subject to the requirements of a Final Plat approved on November 8, 2007 and recorded in Plat Book PM 224-55 and Alternative Compliance AC-06016, approved November 17, 2006 together with a permit for fine grading.

4. **Development Data Summary:**

	EXISTING	**PROPOSED**
Zone(s)	C-S-C	C-S-C
Use(s)	Shopping Center with Subject Unit Vacant	Shopping Center with Subject Unit occupied by a day care center
Acreage	4.02	4.02
Parcels	1	1
Square Footage of Shopping Center	23,640 sq. ft.	23,640 sq. ft.
Square Footage of subject unit	1,613 sq. ft.	1,613 sq. ft.
Dwelling Units	0	0

Parking Required:

Shopping Center – Total (including subject Day Care)	163
Day Care Center (one space per 8 children)	5
Total:	**163**

Parking Provided:

Shopping Center – Total (including subject Day Care)	168
Day Care Center	10
Total:	168

Loading Spaces Required: 3 (one space for 10,000 – 100,000 s.f. of GFA)

Loading Spaces Provided: 3

Minimum Outdoor Play Area Required per Section 27-464.02 of the Zoning Ordinance:
38 children x 0.5 x 75 square feet = 1,425 square feet

Enclosed Play Area Provided: 1,425 square feet

5. **Design Features:** The site is located within an existing shopping center consisting of two retail buildings labeled on the site plan as "Building No. 1" and "Building No. 2." The subject day care center is proposed to be located in 1,613-square-foot "Unit E" in the central portion of Building No. 1. Building No. 2 measures approximately 5,500 square feet. The play area for the day care center is proposed to be located to the rear of Building No. 1 where, as is noted on the site plan, an existing wooded area would be cleared to provide the required 1,475-square-foot outdoor play area. Plans for the project also note that the play area will be enclosed by either a minimum four-foot-tall white or a six-foot-tall white vinyl privacy fence. Staff has proposed a condition in the Recommendation Section that would require that the applicant clarify the height of the fence prior to signature approval of the plans, and that the fence be constructed of a low-sheen vinyl.

6. **Conformance to the requirements of Final Plat approved on November 8, 2007 and recorded in Plat Book PM 224-55:** A final plat was approved for minor lot line adjustments on November 8, 2007 and recorded in plat book PM 224-55. Two notes on that plat relevant to the subject project are included in **boldface** type below, followed by staff comment:

2. Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP1/49/97) which precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy and Subtitle 25.

The Environmental Planning Section (EPS) in an e-mail dated February 22, 2013, stated that the detailed site plan (DSP) and revised Type II tree conservation plan (TCPII) along with the proposed conditions in the Recommendation Section below, conform to the Type I tree conservation plan (TCPI) as required by this condition. Note however, that as the subject project proposes to clear some woodland previously committed to conservation, a commensurate fee-in-lieu is required in compensation for this clearing by a proposed condition in the Recommendation Section below.

3. Development of Lots 2 and 3 shall either be in general conformance with the preliminary site and landscape plan as revised or shall be subject to detailed site plan approval. The limited review will focus on pedestrian access, architecture, and crime prevention design alternatives. The detailed site plan, if necessary, shall be approved prior to issuance of any building permit for Lots 2 and/or 3.

Although a detailed site plan (DSP) is being filed, it is for the daycare use and not for the initial development of the lots. Additionally, as final plat has been approved for the site, conformance with it, rather than the preliminary plan has been evaluated. Lastly, the Alternative Compliance Committee has determined that the subject application is generally in conformance with the prior Alternative Compliance approval AC-06016, although not all plant materials approved at that time appear to be installed. A proposed condition below would require that all plant materials approved at that time be shown on a landscape plan to accompany the DSP and subsequently be

installed. The project is exempt from the requirements of the 2010 *Prince George's County Landscape Manual*, except Section 4.4, which is inapplicable as the proposed project contains no loading spaces, mechanical equipment or dumpsters that would require screening. In any case, further analysis shows that the buffer to be impacted by construction of the outdoor play area will still provide the otherwise required Section 4.7 buffer regarding incompatible uses, including a 30-foot building setback and a 20-foot landscaped yard, along the rear property line shared with a multifamily housing complex. By separate recommendation of the trails coordinator, staff has included a proposed condition in the Recommendation Section of this technical staff report that would require the striping of crosswalks at the site's ingress/egress point along Old Silver Hill Road, and the access to the adjacent bank from Silver Hill Road (MD 458), unless modified by the State Highway Administration (SHA), in the interests of safe pedestrian access to the site. The subject DSP neglects to include the Parcel number, owner and zoning of a small strip of land along the subject site's northern boundary, and the correct lot numbers and configuration for the subject site and the adjacent bank. A proposed condition in the Recommendation Section of this technical staff report would require that this information be added to/clarified on the DSP prior to signature approval.

7. **Conformance to the Applicable Sections of the Zoning Ordinance:** The detailed site plan is in conformance with Section 27-454, 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 detailed site plan is also in conformance with Section 27-462, Regulations in the C-S-C Zone.

The detailed site plan is 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 proposed play area provides 75 square feet per child for 19 children, which is 50 percent of the licensed capacity of the day care center, the greater of the two calculations required above. As the applicant is willing to accept a condition that a maximum of 19 children will be permitted on the playground at a time, the application is in conformance with this requirement.

(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 proposed outdoor play area is located approximately 55 feet from the existing apartment complex building on the adjacent property, in keeping with the first portion of this requirement. As plans for the project stipulate that the play area will be enclosed with a minimally four-foot-high white fence, the application conforms to the second requirement, as well.

(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 setback from the nearest residential structure is approximately 55 feet or approximately 30 feet in excess of the 25-foot required setback, which should be sufficient. However, for greater security for the children in a somewhat isolated area, staff has included in the Recommendation Section below, a proposed condition that would require a six-foot-fence rather than a four-foot-fence.

(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-premises, 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: In the Statement of Justification, the applicant asserted that shade would be provided by the trees immediately adjacent to the play area on its eastern and partially on its northern and southern sides. While this may be true for certain hours of the day and certain weeks of the year, it cannot be relied on for provision of shade. Therefore, a proposed condition would require that the applicant provide a suitable shade structure in the outdoor play area, to be approved by the Planning Board or their designee prior to signature approval.

(vi) 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

Comment: A note on the project plans obligates the day care center to utilize the play area only during daylight hours. Therefore, the application conforms to this requirement.

(vi) Outdoor play shall be limited to the hours between 7 a.m. and 9 p.m.

Comment: A note on the project plans states that the day care center will operate from 8:30 A.M. to 5:30 P.M., which falls within the allowed hours.

(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 this Section.

Comment: Should the applied-for detailed site plan be approved by the Planning Board, the application would be in conformance with 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: Notes on the detailed site plan state that the proposed enrollment shall be a maximum of 38 children. Further, the detailed site plan indicates the location of all buildings on adjoining lots, the location and size of the playground and the location, quantity and type of screening and landscaping in accordance with this requirement.

8. **Prince George's County Landscape Manual (Landscape Manual):** The application is exempt from all sections of the 2010 *Prince George's County Landscape Manual*, except Section 4.4, as it does not involve an addition to the existing buildings or parking area for the proposed project. Section 4.4 however does not then apply because the project is not adding any dumpsters, mechanical equipment or loading spaces to the site plan that are in need of screening. The subject site received approval of Alternative Compliance application AC-06016 for its northern boundary on November 17, 2006, in conjunction with a permit issued for fine grading. Though the aforementioned Alternative Compliance approval does not affect the subject application, a proposed condition in the Recommendation Section of this technical staff report (TSR) would require that information regarding the approval be added to the general notes on the plan prior to signature approval, and that the prior approved landscape plan which reflects conformance to that alternative compliance (AC) approval be updated to reflect the outdoor play area approved as part of this application and submitted to become part of the certified plan set for the subject approval. In addition, the proposed condition would require that all plant material indicated on the prior approved landscape plan be installed.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** In a memorandum dated February 20, 2013, the Environmental Planning Section submitted the following summarized comments:

> The property is subject to the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance (WCO) because the site has a previously approved Tree Conservation Plan. A Tree Conservation Plan (TCPII-030-98) was approved for the site on April 21, 1998 and the site has been developed in conformance with that approval. The previous tree conservation plan had an overall requirement of 2.98 acres that was met with 2.54 acres of off-site woodland credits and 0.44 acres of on-site woodland preservation.

Further, the Environmental Planning Section stated:

A revised TCP2 has been submitted. The TCP2 included a worksheet that was incorrect. The applicant has since submitted a revised worksheet. The revised TCP2 proposes to clear an additional 0.02 acres for the proposed play area, resulting in an overall requirement of 3.00 acres. The TCP2 proposes to meet the requirement with 0.38 acres of on-site preservation, 2.54 acres of woodland conservation previously obtained in an off-site woodland conservation easement, and 0.08 acres of fee-in-lieu.

The Environmental Planning Section stated that the revisions would have to be made to the TCP2 to include the following:

Revise the scale from 20 feet to 30 feet. Revise the worksheet on the plan by replacing it with the corrected worksheet submitted to the Environmental Planning Section on February 20, 2013. The woodland area behind the proposed outdoor play area is too narrow to be counted as woodlands. Label this 0.04 acre area as "woodlands preserved not counted as preservation" on the plan view and smaller detail (The corrected TCP worksheet has been revised to reflect this acreage). Add tree signs along the perimeter of the woodland preservation areas at a spacing of 50 feet. Revise the vicinity map to show the road names and site location. In the TCP approval block and title block, show the previous approval and add "01" to the TCPII number.

All of the environmental concerns expressed in their memorandum dated February 20, 2013 regarding the subject project have been addressed by proposed conditions in the Recommendation Section below. Therefore, it may be said that the subject project conforms to the requirements of the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance.

10. **Tree Canopy Coverage Ordinance (TCC):** The project is not subject to the requirements of the Prince George's Tree Canopy Coverage Ordinance (TCC) as there is not more than 1,500 square feet of land disturbance contemplated by the application.

11. **Referrals:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

    a. **Historic Preservation Section—**In a memorandum dated January 11, 2013, the Historic Preservation Section stated that they found the subject application for a day care center for 38 children would have no effect on identified Historic Sites, Resources, or Districts.

    b. **Archeology—**In a memorandum dated January 22, 2013, the archeological planning coordinator stated that a Phase I archeological survey would not be recommended on the subject property as it is currently developed as a shopping center and a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated that the probability of finding archeological artifacts within the subject property is low. In conclusion, the archeological planning coordinator stated that the subject proposal would not impact any historic sites, historic resources, documented properties, or known archeological sites.

c. **Community Planning Division**—In a memorandum dated January 25, 2013, the Community Planning Division stated that the subject application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier. Additionally, staff stated that the subject application conforms to the commercial land use recommendations of the November 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (SMA).

d. **Transportation Planning Section—**In a memorandum dated January 17, 2013, the Transportation Planning Section stated that the site is located within an existing shopping center consisting of a bank, a building of 5,600 square feet for retail uses and a larger building of 23,640 square feet for retail uses. Noting that the proposed day care center for 38 children would occupy 1,613 square feet of the larger 23,640-square-foot building, they stated that the site is served by a signalized intersection on Silver Hill Road (MD 458) and a commercial driveway on Old Silver Hill Road and parking and on-site circulation are adequate to accommodate the proposed use. The Transportation Planning Section also noted that the day care center is proposed to be located in an existing retail shopping center and that the proposed use would generate less traffic than typical retail uses. Further, they stated that a review of the previously approved preliminary plan/final plat did not reveal any outstanding issues or conditions. In closing, noting that the site has frontage on both Silver Hill Road (MD 458) and Old Silver Hill Road and that no further right-of-way is required, they determined that the site plan is acceptable from a transportation-related perspective.

e. **Subdivision Review Section—**In a memorandum dated February 12, 2013, the Subdivision Review Section offered the following comment:

> The subject property is known as Lots 4 and 5, located on Tax Map 81 in Grid B-4, and is 4.01 acres. Lots 4 and 5 are within the Commercial Shopping Center (C-S-C) Zone and the plat was approved on June 25, 1998 and recorded in plat book VJ 183-69. A minor final plat to adjust lot lines was approved on November 8, 2007 and was recorded in plat book PM 224-55. The site plan does not show the boundary of the parcels, bearings and distances, and the 10-foot-wide Public Utility Easement as reflected on the record plat. The property is improved with a bank and two retail buildings containing a total of 33,661 square-feet of gross floor area. A DSP has been submitted to allow a daycare center with a maximum enrollment of 38 children. This new use will not result in any additional gross floor area (GFA).
>
> The Subdivision Review Section also stated that of the seven notes on the plat, notes number 2 and 3 relate to the review of the subject application. See Finding 6 of this technical staff report for a detailed discussion of conformance to those requirements. The Subdivision Review Section then stated that the site is the subject of the approved Preliminary Plan of Subdivision 4-97088, and the resolution, containing seven conditions, was adopted by the Prince George's County Planning Board on January 22, 1998 (PGCPB Resolution No. 97-363) that have been met or are discussed in Finding 6 below. In closing, the Subdivision Review Section stated that, pursuant to Section 24-111(c) (2) of the Subdivision Regulations, the application is exempt from the requirement of filing a preliminary plan of subdivision because no additional gross floor area (GFA) is proposed.

Urban Design Comment: A proposed condition in the Recommendation Section of this technical staff report would address the Subdivision Review Section's concerns regarding the correctness of the boundary of the parcels, the bearings and distances of the property and the indication of a ten-foot-wide public utility easement (PUE).

f. **Trails—**In a memorandum dated February 14, 2013, the trails coordinator stated that the subject DSP was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan in order to provide master plan trails. Particularly, the type of Master Plan Bikeway or trail in this case involves both Maryland State Highway Administration (SHA) right-of-way and sidewalks. Further, the trails coordinator reviewed the subject DSP for conformance to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* (SMA) in order to implement planned trails, bikeways, and pedestrian improvements. The trails coordinator offered the following review comments:

> The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) includes a complete streets element that recommends that roads be designed to accommodate all modes of travel, including pedestrians and bicyclists. The following policies are included in the Complete Streets Section (page 33):
>
> POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.
>
> POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.
>
> More specifically, both the MPOT and area master plan recommend continuous sidewalks and designated bike lanes along Silver Hill Road (MD 458). MD 458 is a major road within the Subregion 4 area, and provides access from surrounding residential communities to Metro and the Suitland Federal Center. The MPOT includes the following description of the master plan improvements:
>
> Silver Hill Road Sidewalks and Designated Bike Lanes: These improvements will enhance access to the Suitland Metro, the Suitland Federal Center, several commercial areas, and Francis Scott Key Elementary School. Sidewalks exist along many segments of Silver Hill Road. Existing sidewalks are narrow and placed immediately behind the curb. Sidewalks should be at least six feet wide and be incorporated into a pedestrian-friendly streetscape with amenities and safety features (MPOT, page 22).
>
> The subject site includes existing sidewalks along its frontages of MD 458 and Old Silver Hill Road. The Silver Hill Shopping Center (where the application is located) also includes internal sidewalks and designated walkways along the frontage of the shopping center, at the pad sites, and between the main shopping center and pad sites. The proposed play area is immediately behind the space to be used by the daycare center and no additional sidewalk connections are necessary. The existing sidewalk along MD 458 is buffered from the curb by a

grass planting strip and meets the intent of the master plan and MPOT. Designated bike lanes can be considered by SHA at the time of road resurfacing. Currently wide outside curb lanes are provided to accommodate on-road bicyclists. No crosswalks are provided along the site's frontages of both MD 458 and Old Silver Hill Road. The striping of crosswalks at the site's two ingress/egress points is recommended consistent with the Complete Streets Section of the MPOT.

In conclusion, the trails coordinator suggested that the applicant be required to provide striped crosswalks at the site's ingress and egress points along both Silver Hill Road (MD 458) and Old Silver Hill Road, unless the Maryland State Highway Administration (SHA) modifies this requirement. A proposed condition to this effect has been included in the Recommendation Section of this technical staff report.

g. **Permit Review Section—**In a memorandum dated January 29, 2013, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the proposed conditions in the Recommendation Section of this technical staff report.

h. **Environmental Planning Section—**In a memorandum dated February 20, 2013, the Environmental Planning Section offered the following:

> The Environmental Planning Section has reviewed the above referenced Detailed Site Plan DSP-12045 and Type II Tree Conservation Plan TCPII-030-98-01 for First Beginnings Children's Center stamped as received by the Environmental Planning Section on January 10, 2013. The Environmental Planning Section recommends approval of Detailed Site Plan DSP-12045 and Type II Tree Conservation Plan TCPII-030-98-01 subject to the required revisions found at the end of this memorandum.
>
> **Background**
> The site was previously reviewed and approved for a Preliminary Plan of Subdivision (4-97088) and Tree Conservation Plan (TCPI-049-97). Conditions of approval for 4-97088 can be found in PGCPB. 97-363. A Type II Tree Conservation Plan (TCPII-030-98) was subsequently reviewed and approved for the site.
>
> The project proposes a day care center with an outdoor play area.
>
> **Grandfathering**
> With regard to the environmental regulations that became effective on September 1, 2010, the subject application is grandfathered under Subtitles 27 and 25, because the site has a previously approved Preliminary Plan of Subdivision
>
> **Site Description**
> The 6.67-acre site, in the C-S-C Zone, is located on the northwest side of Silver Hill Road (MD 458) approximately 880 feet southwest of the intersection with Old Marlboro Pike (MD 725). The site is currently developed with a strip shopping center with two pad sites and surface parking. No regulated environmental features are present on site. A wooded 0.44 acre buffer is located along the northeastern property line. According to the USDA NRCS Web Soil

Survey for "Prince George's County" the principal soils on this site are Beltsville–Urban land complex and Woodstown–Urban land Complex. Marlboro clay and Christiana complex do not occur in this area. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, the site is not within a Sensitive Species Protection Review Area. The site does not included forest interior dwelling species (FIDS) Habitat. There are no historic or scenic roads adjacent to the site. Silver Hill Road is a master planned arterial road that generates noise levels that are above the residential standard of 65 dBA Ldn. The project is a non-residential use, but the applicant proposes an outdoor play area for the project. The proposal is not expected to be a noise generator. The property is located in Western Branch of the Patuxent River basin and is in the Developed Tier of the 2002 *Prince George's County Approved General Plan.* The subject property contains no designated areas within the 2005 *Approved Countywide Green Infrastructure Plan* areas.

Environmental Review

(1) The site has a Forest Stand Delineation (FSD) plan and narrative that was previously reviewed with the preliminary plan. The FSD was found to be sufficient for this review. Because the site is grandfathered, a NRI is not required.

(2) The property is subject to the 1993 Prince George's County Woodland Conservation and Tree Preservation Ordinance (WCO).

See Finding 9 above for a detailed discussion of the conformance of the project to the requirements of the WCO. With respect to noise levels in the outdoor play area, the Environmental Planning Section offered the following:

(3) The application proposes an outdoor play area. The submitted plan does not show the location of the unmitigated 65 dBA Ldn ground level noise contour. According to the Environmental Planning Section's noise model, the unmitigated 65 dBA Ldn noise contour is approximately 124 feet from the centerline of Silver Hill Road. The play area will not be impacted by noise levels above 65 dBA Ldn.

Required Revision: Show the unmitigated 65 dBA Ldn ground level noise contour on the TCP2 and the Detailed Site Plan at 124 feet from the centerline of Silver Hill Road.

Included in the Recommendation Section are conditions requiring revisions to the TCPII and a condition that would require that prior to issuance of a use and occupancy permit for the day care center, an unmitigated 65 dBA Ldn ground level contour be shown on the TCP1 and the detailed site plan.

i. **Fire/EMS Department**—In a memorandum dated February 21, 2013, the Prince George's County Fire Department offered comment regarding needed accessibility, private road design and the location and performance of fire hydrants.

j. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated February 8, 2013, the Department of Public Works and Transportation noted that a revision to the stormwater concept plan approval would be required for the subject project. In a subsequent memorandum dated February 25, 2013, the Department of Public Works and Transportation, however, withdrew their previous statement that the approved stormwater concept plan would require revision.

k. **Prince George's County Health Department—**In a memorandum dated February 8, 2013, the Prince George's County Health Department Office of Environmental Engineering Program stated that they had completed a health impact assessment review of the detailed site plan submission for First Beginnings Children's Center and offered the following two comments:

(1) The site is located approximately 300 feet from an arterial roadway where high traffic volumes can be expected, and therefore subject to the potential adverse health impacts associated with traffic-related noise. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests. Noise can also be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psycho-physiologic effects and psychiatric symptoms, and fetal development. The applicant should consider modifications, adaptations and/or mitigation to be provided as necessary to minimize the potential adverse health impacts of noise on the susceptible population.

(2) The site is located approximately 300 feet from an arterial roadway where high traffic volumes can be expected and therefore subject to the potential adverse health impacts associated with traffic-related air pollutants. There is an emerging body of scientific evidence indicating that exposure to traffic-related air pollution is a cause of and trigger for asthma; and that living, working, or going to school near a busy roadway or freeway increases the severity of asthma symptoms, especially in children. The applicant should consider modifications, adaptations and/or mitigation as necessary to minimize the potential adverse health impacts of air pollutants on the susceptible population.

Urban Design Comment: The applicant has been made aware of the Health Department Environmental Engineering Program's comments. However, no modifications, adaptations and/or mitigation have been recommended to minimize the potential adverse health effects of noise because the Environmental Planning Section staff has determined, based on their noise model, that noise will not be an issue for the outdoor play area in the location where it is proposed.

l. **State Highway Administration (SHA)—**At the time of the writing of this technical staff report, staff had not received comment regarding the subject project from SHA.

m. **Verizon**–At the time of the writing of this technical staff report, staff had not received comment regarding the subject project from Verizon.

n. **Potomac Electric Power Company (PEPCO)—**At the time of the writing of this technical staff report, staff had not received comment regarding the subject project from PEPCO.

o. M**aryland Department of Human Resources—**At the time of this writing, staff has not received comment regarding the subject project from the Maryland Department of Human Resources.

12. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

13. Section 27-285(b) (4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the site does not contain any regulated environmental features this required finding does not apply.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Detailed Site Plan DSP-12045, First Beginnings Children's Center, and Type II Tree Conservation Plan TCPII-030-98-01 subject to the conditions below:

1. Prior to certification, the applicant shall revise the plans as follows or provide the specified documentation:

   a. The detailed site plan (DSP)/landscape plan (LSP) and the Type II tree conservation plan (TCP2) shall be revised to show the location of the 65 dBA noise contour.

   b. A note shall be added to the plans stating that "a maximum of 19 children are permitted to play in the outdoor play area at one time."

   c. The DSP/LSP shall be revised to specify a six-foot-high, low-sheen vinyl product to be utilized for the fence to surround the play area.

   d. The DSP/LSP shall be revised to include a shade structure in the outdoor play area and a detail of same shall be included on the plans. The Planning Board or their designee shall approve the design and location of said shade structure.

   e. Note 13 under "Playground Notes" shall be amended to read: "Outdoor play shall be limited to the hours between 8:30 A.M. and 5:30 P.M or shall not be used after daylight hours, whichever is earlier."

   f. The parking schedule shall be amended to include the parking ratio for each use as identified in Part 11 of the Prince George's County Zoning Ordinance.

g. A loading schedule, on a unit-by-unit basis, as required by Part 11 of the Prince George's County Zoning Ordinance, shall be included on the plans.

h. The TCP shall be revised as follows:

(1) Show the original tree line per Type II Tree Conservation Plan TCPII-30-98.

(2) Show the corrected TCPII worksheet submitted to the Planning Board or its designee.

(3) Revise the title of the plan as "Shops at Silver Hill – New Beginnings Children's Center."

(4) Revise the plan scale from 1 inch equals 20 feet one inch equals 30 feet.

(5) Label the area of woodland north of the proposed clearing area as "woodland preserved area – not counted" on the plan and detail.

(6) Show the woodland conservation signage on the plan and provide the correct symbol in the legend.

(7) Revise the vicinity map to remove the aerial photo and show only the road map with names of the roads and the site location identified.

(8) Show the previous TCP approval and add "01" to the approval block.

(9) Revise the woodland worksheet as necessary.

(10) Have the revised plan signed and dated by the qualified professional preparing the plan.

i. The plat reference (PM 224-55) and "Lots 4 and 5" shall be added to the notes and DSP.

j. The preliminary plan number and approval date shall be added to the notes.

k. The platted ten-foot-wide public utility easement (PUE) shall be indicated along both rights-of-way and the lot lines, and bearings and distances shall be corrected on the DSP.

l. Striped crosswalks shall be provided at the site's ingress and egress point along Old Silver Hill Road, and the access to the adjacent bank to Silver Hill Road (MD 458), unless modified by the Maryland State Highway Administration (SHA).

m. The prior approved landscape plan for the site which reflects conformance to the approval of Alternative Compliance AC-06016 shall be updated also to reflect the

outdoor play area approved as part of the subject project and submitted to become part of the certified plan set for the subject approval. Any plant material shown on the previously approved landscape plan not currently installed shall be so installed.

n. The applicant shall add the Parcel number, owner's name, Liber and Folio and zoning of the small strip of land along the subject site's northern property line extending between the right-of-way of Silver Hill Road (MD 458) and the subject property.

o. The plans for the project shall be revised to clearly indicate the limits of the DSP, and portions not included therein shall be clearly marked "not included in this DSP."

2. Prior to issuance of a use and occupancy permit for the day care center, the applicant shall present to the Planning Board or its designee a receipt indicating payment of the required fee-in-lieu of $784.08 in compensation for the clearing of .05 acres of woodland conservation on the site for provision of the required outdoor play area for the day care center for children.