



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

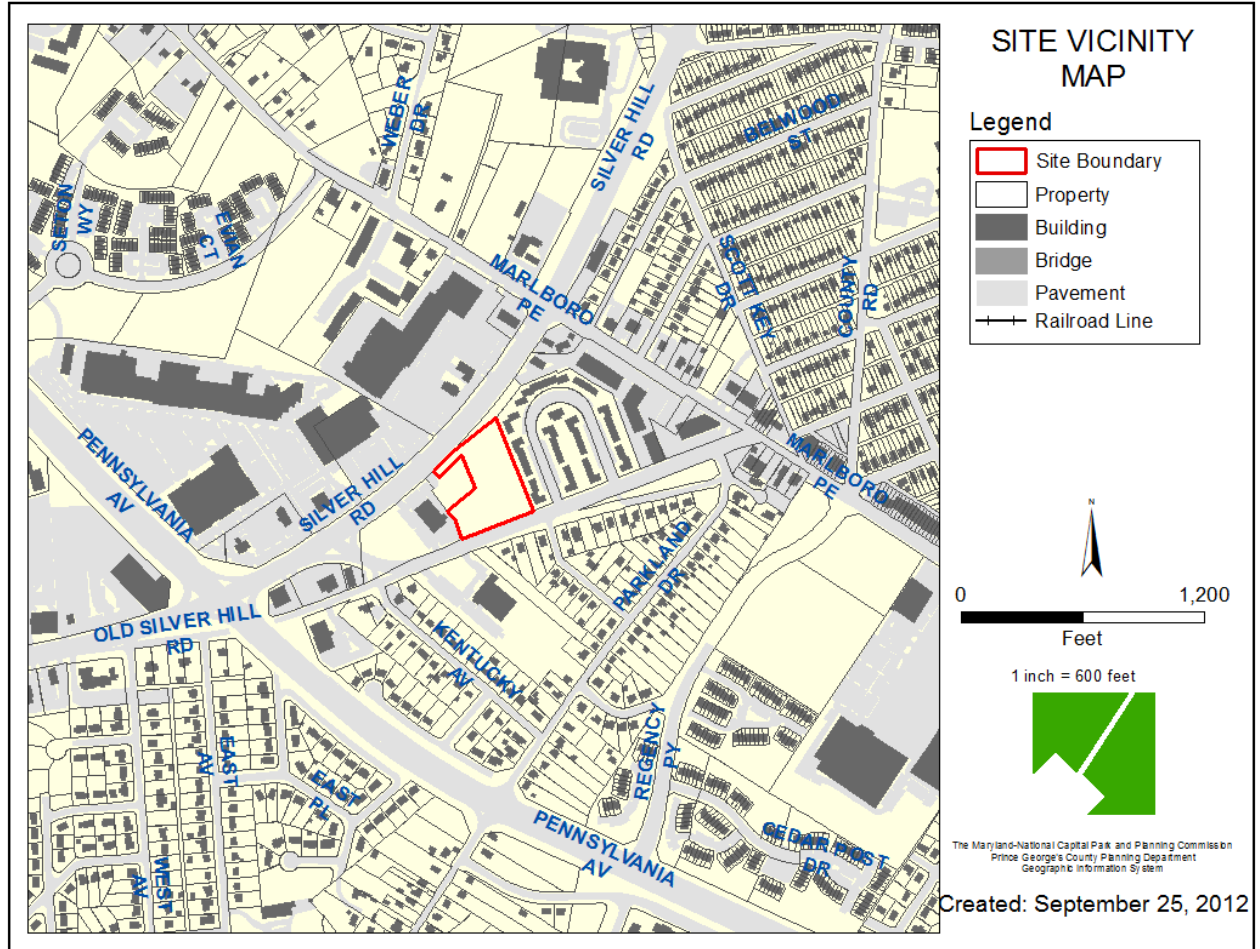
Detailed Site Plan

DSP-12045 (Remanded)

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:	09/12/13
	Staff Report Date:	08/22/13
	Date Remanded:	07/15/13
	Planning Board Action Limit:	N/A
	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 thirty-eight children in an existing shopping center. Additional review required by the District Council's Order of Remand dated July 15, 2013.	Informational Mailing:	10/22/12
	Acceptance Mailing:	N/A
	Sign Posting Deadline:	08/13/13

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		



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 TCPH-030-98-01
First Beginnings Children's Center

BACKGROUND:

Detailed Site Plan DSP-12045 for First Beginnings Children's Center is a day care center for 38 children in a 1,613-square-foot unit, Unit E, of the existing Shops at Silver Hill shopping center in the Commercial Shopping Center (C-S-C) Zone. It was reviewed and approved by the Planning Board on March 14, 2013 (PGCPB Resolution No. 13-23), and the resolution was adopted on April 4, 2013, formalizing that approval.

On May 13, 2013, the District Council elected to review the case. On June 17, 2013, the District Council heard oral argument on the case and, on July 15, 2013, the District Council voted to remand the case to the Planning Board for an additional evidentiary hearing to address specific issues concerning the detailed site plan (DSP) in accordance with Sections 27-132 and 27-290 of the Zoning Ordinance.

REMAND FINDINGS

1. The District Council remanded the DSP for First Beginnings Children's Center LLC on July 15, 2013. The following Points of Remand in **bold** below are quoted directly from the Order of Remand and are followed by staff comment.

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 13-23, to approve with conditions a detailed site plan for of [sic] 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, is:

REMANDED, pursuant to §27-132 and §27-290 of the Zoning Ordinance, to the Planning Board to take further testimony, reconsider its decision, and to allow additional public comment.

Having reviewed the record, after oral argument, the District Council has determined that there has been, among other issues, a lack of referral of this site plan, pursuant to Section 27-284 of the Zoning Ordinance, to the Prince George's County Police Department for review and comment.

Section 27-284, Referral, provides as follows:

(a) Prior to taking action on the Detailed Site Plan, the Planning Board shall refer the plan to the Historic Preservation Commission (Part 14), when appropriate, and to all agencies which the Planning Board deems appropriate for review and comment. The agencies shall include all of those whose action is likely to have a substantive effect on the plan under review. The Planning Board shall maintain a list of referral agencies. The plan shall also be referred to:

(1) the Prince George's County Police Department for review and comment at the time of Subdivision and Development Review Committee. The Police Department may comment on issues relevant to their mission, including opportunities to implement crime-prevention measures, and to enhance the safety and security of residents, employees and other users of a project through implementation of the principles of Crime Prevention Through Environmental Design (CPTED); and

(2) the Prince George's County Health Department at the time of the Subdivision and Development Review Committee. The Health Department shall perform a health impact assessment review of the proposed development identifying the potential effects on the health of the population, and the distribution of those effects within the population, including recommendations for design components to increase positive health outcomes and minimize adverse health outcomes on the community. (Emphasis added.)

- 1. On remand, Planning Board shall refer this site plan to the Prince George's County Police Department for review and comment, take further testimony, reconsider its decision, and to allow additional public comment. The Planning Board shall amend its resolution to reflect the review and comment of the Prince George's County Police Department, and its impact on this site plan.**

Comment: Pursuant to this Point of Remand, staff referred a full set of plans for the project to the Prince George's County Police Department. In response to this referral, a memorandum dated July 25, 2013 was received from the Police Department offering the following comment:

“After reviewing the plans and visiting the site I have a few recommendations in reference to the proposed playground fence. The plans specify a four-foot high white vinyl privacy fence. I suggest utilizing a six-foot high wrought iron (or similar metal) fence to enhance the safety of all occupants of the playground. This type of fence would increase visibility of the children as well as intruders. The Crime Prevention Through Environmental Design (CPTED) principal of natural surveillance utilizes design features to increase visibility of a property or an area. By increasing visibility in the playground area, we also hope to deter would be offender's behavior since they know they could easily be seen by caring individuals.”

Staff recommends that the Planning Board add a condition to the subject approval to ensure that

the project will include the Prince George's County Police Department's comment.

2. **On remand, First Beginnings Children's Center LLC shall provide proof, for the record, of registration and a certificate of good standing from the Maryland State Department of Assessment and Taxation.**

Comment: On August 5, 2013, the applicant provided to staff an updated registration and certificate of good standing from the Maryland State Department of Assessment and Taxation in conformance with this Point of Remand. Staff has added this document to the case file as additional back-up to ensure that it will become part of the record for the case as required by this Point of Remand.

3. **On remand, the Planning Board's decision shall, pursuant to its Rules of Procedure, adopted in PGCPB Resolution No. 08-71, as amended, and §27-285 of the Zoning Ordinance, be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.**

Comment: At the conclusion of the public hearing for the subject project, staff will prepare a resolution embodying the subject approval for Planning Board adoption at a regularly scheduled public meeting approximately three weeks thereafter pursuant to its Rules of Procedure, adopted in PGCPB Resolution No. 08-71, as amended, and Section 27-285 of the Zoning Ordinance. A copy of that resolution will be sent to all persons of record in the Detailed Site Plan approval process and to the District Council.

REMAND REFERRAL COMMENTS

2. The Prince George's County Police Department was provided a set of plans for the subject project and a copy of the Order of Remand dated July 15, 2013 from the District Council regarding the project and provided the following comments:

Prince George's County Police Department—In a memorandum dated July 25, 2013, the Prince George's County Police Department offered the following:

“After reviewing the plans and visiting the site I have a few recommendations in reference to the proposed playground fence. The plans specify a four-foot high white vinyl privacy fence. I suggest utilizing a six-foot high wrought iron (or similar metal) fence to enhance the safety of all occupants of the playground. This type of fence would increase visibility of the children as well as intruders. The Crime Prevention Through Environmental Design (CEPTED) principal of natural surveillance utilizes design features to increase visibility of a property or an area. By increasing visibility in the playground area, we also hope to deter would be offender's behavior since they know they could easily be seen by caring individuals.”

Comment: A recommended condition of this approval would require that the previously approved four-foot-high, white, vinyl privacy fence be replaced with a six-foot-high, wrought-iron (or similar), metal fence to enhance the safety of all occupants of the playground. Staff recommends that final design of the fence be approved by the Planning Board or its designee.

3. The Office of the General Counsel of M-NCPPC was also provided a set of plans for the subject project and a copy of the Order of Remand dated July 15, 2013 from the District Council regarding the project and provided the following comments:

M-NCPPC Office of General Counsel—In a memorandum dated August 7, 2013, the M-NCPPC Office of General Counsel offered the following:

“Issue 1.

“On remand, Planning Board shall refer this site plan to the Prince George’s County Police Department for review and comment, take further testimony, reconsider its decision, and to allow additional public comment. The Planning Board shall amend its resolution to reflect the review and comment of the Prince George’s County Police Department, and its impact on this site plan.”

M-NCPPC Office of the General Counsel Comment: It is my understanding, per a conversation with staff, that this plan has been referred to the Prince George’s County Police Department for review and comment, satisfying this condition.

“Issue 2.

“On remand, First Beginnings Children’s Center LLC shall provide proof, for the record, of registration and a certificate of good standing from the Maryland State Department of Assessment and Taxation.”

M-NCPPC Office of the General Counsel Comment: A certificate of registration and good standing from the State Department of Assessments and Taxation has been provided by the applicant, satisfying this condition.

“Issue 3.

“On remand, the Planning Board’s decision shall, pursuant to its Rules of Procedure, adopted in PGCPB Resolution No. 08-71, as amended, and §27-285 of the Zoning Ordinance, be embodied in a resolution adopted at a regularly scheduled public meeting, a copy of which shall be sent to all persons of record (in the Detailed Site Plan approval process) and the District Council.”

M-NCPPC Office of the General Counsel Comment: All Planning Board actions/decisions of this nature are embodied in a duly-adopted resolution.

PROPOSED RECOMMENDATIONS

Based upon the foregoing evaluation and analysis, the Urban Design Section recommends that the Planning Board adopt the additional findings of this report and REAPPROVE the plans associated with remanded Detailed Site Plan DSP-12045, First Beginnings Children’s Center, subject to the conditions below. The conditions include all that were previously approved by the Planning Board (PGCPB Resolution No. 08-71) with some modifications of the conditions, as noted below, recommended by staff in response to the Order of Remand. Bracketed and *italicized* text indicates deletions and **bold and underlined** text indicates insertions.

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] **wrought iron (or similar metal)** product to be utilized for the fence to surround the play area. **Final design of said fence is to be approved by the Planning Board or their designee.**
 - 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 to 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 0.05 acre of woodland conservation on the site for provision of the required outdoor play area for the day care center for children.