

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 10, 2009, regarding Detailed Site Plan DSP-09005 for A Step Use Day Care, the Planning Board finds:

1. **Request:** Approval of detailed site plan, DSP-09005, for A Step Use Daycare Center to convert an existing office building in the C-O (Commercial-Office) Zone to a daycare.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-O	C-O
Use(s)	Office/Vacant	Day Care
Acreage	0.73	0.73
Lots	2	2
Building square-footage/GFA	1,312	1,312
Building height	1-story	1-story

## OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>APPROVED</b>
Total Parking Spaces	8	10
Of which handicapped spaces	1	1

3. **Location:** The subject property is located at 5711 Old Silver Hill Road, District Heights, MD 20747, in the southwestern quadrant of the intersection of Old Silver Hill Road and Kentucky Avenue, in Planning Area 75A, Suitland-District Heights, Council District 7.
4. **Surrounding Uses:** The site is bounded to the north by the right-of-way of Old Silver Hill Road. The opposite side of Old Silver Hill Road is zoned C-S-C (Commercial Shopping Center). To the east, the site is bounded by Kentucky Avenue and additional C-O zoned land. To the south is an existing single-family home on property zoned R-55 (One-Family Detached Residential). The western boundary of the site bounds on a parcel zoned C-O that belongs to C&P Telephone Company of Maryland. This parcel separates the subject property from Pennsylvania Avenue to the west. The subject site is within the Pennsylvania Avenue corridor.

5. **Previous Approvals:** Use and Occupancy Permit 1829-2009-U was approved on June 3, 2009 for a tutoring service, A Step Above Tutoring, in the same building.
6. **Design Features:** The subject site consists of two lots located in the southwest quadrant of the intersection of Old Silver Hill Road and Kentucky Avenue. The site is an irregular square in shape. There are no streams, 100-year floodplains, or environmentally-sensitive features on-site.

The day care will operate from 6:30 a.m. to 6:30 p.m., and will accommodate 40 children. The play area will not be in use after dark. It will only be in use from 10:00 a.m. to 4:30 p.m. The existing tutoring service operates in the evening from 7:00 p.m. to 8:30 p.m., and accommodates 30 students ranging from kindergarten to elementary school ages.

The day care is within an existing building with no change in access or circulation. There is one existing access point from Kentucky Avenue leading to the existing parking lot. The applicant has proposed restriping the parking lot to create an additional parking space and to provide handicap parking. No new paving or construction is proposed. The parking lot is sited near Kentucky Avenue, so minimal impervious surfaces are created and the remaining open space on the site is preserved. The existing building is in a central location on the site. The parking lot is adjacent to the building's southeast elevation. The applicant has proposed enclosing the existing steps leading to the basement with four-foot-high chain-link fencing to ensure the children's safety.

There are existing walkways around the building, which connect to a pathway in front of the building that leads to Old Silver Hill Road. There are no existing sidewalks on Kentucky Avenue or Old Silver Hill Road. An existing concrete patio is located on the western side of the building where the new play area is proposed. No play equipment is proposed. The play area will be surfaced with grass and surrounded by a four-foot chain-link fence. The remainder of the site is primarily cleared open space. There is an existing six-foot, wooden, board-on-board privacy fence between the proposed day care and the public utility use, C&P Telephone Company of Maryland, located on the adjacent, commercially-zoned property to the west.

Along the southeastern property boundary is an existing chain-link fence approximately 3.5 feet in height separating the day care from existing single-family homes. This fence is in poor repair and there is concern that the exposed posts will represent a safety hazard. This fence is also inaccurately depicted on the site plan as a six-foot high chain-link fence. The proposed day care is a low impact use, so no additional buffering is required. Since no new construction is proposed, and the site is exempt from the buffering requirements of the Prince George's County Landscape Manual, the Planning Board accepts that the applicant shall replace or remove this fence and submit revised site plans that correctly delineate the existing vegetation along Kentucky Avenue prior to signature approval.

The applicant has provided seven shade trees along the perimeter of the play area as required by Section 27.464.02 (1) (A) (v) of the Zoning Ordinance. The Planning Board found that these trees would not provide sufficient shade for a number of years before reaching maturity. Therefore, the

applicant submit details for a fabric shade structure to provide immediate shade, prior to signature approval.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **The Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the C-O Zone and the site plan design guidelines of the Zoning Ordinance.

##### **Section 27-464.02**

- (a) **A day care center for children permitted (P) in the Table of Uses I shall be subject to the following:**

(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;**

The detailed site plan meets this standard by providing 1,500 square feet of play space required for a day care supporting 40 children. This area was calculated by multiplying the required 75 square feet of play area for one-half of the licensed capacity, which would be twenty children.

- (ii) **All outdoor play areas shall be located 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;**

The applicant is providing a four-foot-high chain-link fence to surround the play area. The play area is set back in excess of 25 feet from any property line, dwelling, or adjoining lot. This standard has been met.

- (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;**

Additional setbacks or a higher fence should not be necessary to protect the health and safety of children. This standard has been met.

- (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;**

The outdoor play area is located on the premises and can be accessed from a patio attached to the building. No streets, driveways, parking lots, or hazardous areas need be crossed by children moving to the play area. This standard has been met.

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

The applicant is providing four Shademaster™ thornless honey locusts and three littleleaf lindens around the play area to provide shade on hot days. These shade trees may not provide adequate shade for several years. The applicant shall provide a fabric or other shade structure to provide immediate shade until the trees mature.

- (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**

The hours of the day care are 6:30 a.m. to 6:30 p.m., and the outdoor play area will only be used between the hours of 10:00 a.m. and 4:30 p.m. The play area will not be in use before or after daylight hours. This standard has been met.

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

The outdoor play area will only be used between the hours of 10 a.m. and 4:30 p.m. This standard has been met.

(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.**
- (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 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.**

The daycare enrollment is 40 children. The location and use of surrounding buildings and lots have been provided and are a sufficient distance from the proposed play area. The location, size, and details of the outdoor play area are illustrated in the detailed site plan, as is the location, quantity, and type of screening utilized. The detailed site plan demonstrates compliance with these standards.

**(3) Enrollment.**

- (A) For the purposes of this Section, enrollment shall mean the largest number of children enrolled in the center in any one (1) session. (CB-23-1988; CB-98-1988)**

The enrollment of the day care center is 40 children. This standard has been met.

**Sec. 27-562. Lighting.**

**Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to reflect or glare on land used for residential purposes.**

Prior to signature approval, the applicant will need to demonstrate that the parking lot is adequately lit by the existing building-mounted floodlights or will need to provide supplemental lighting for the parking lot to conform to this standard.

**Section 27-568(a)(3) Schedule (number) of spaces required, generally.**

The required number of spaces for a day care center for children is one per eight children.

The day care will support 40 children. Five parking spaces are required for this use including one handicap space. There is an existing tutoring service that has been using the building in the evening. The tutoring service is for children below tenth grade, which also requires five parking spaces. A total of ten parking spaces are required. Ten parking spaces have been provided, including one handicap accessible space.

Tutoring for grades ten and under.

Parking required: 5 spaces

Day care required: 5 spaces

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Total required: 10 spaces

Total parking required: 10 spaces

Total parking provided: 10 spaces

A 20 percent reduction is permitted for joint-use parking lots not located in the M-X-T (Mixed Use-Transportation Oriented Zone). This reduction would reduce the requirement to eight spaces. Ample parking has been provided. This condition has been met.

8. ***Prince George's County Landscape Manual:*** The conversion of an existing office building in the C-O Zone to a day care center for 40 children is exempt from Section 4.2, Commercial and Industrial Landscaped Strip Requirements; Section 4.3, Parking Lot Requirements; and Section 4.7, Buffering Incompatible Uses of the Landscape Manual.

The application is exempt from Section 4.2, Commercial and Industrial Landscaped Strip Requirements, as no increase in gross floor area (GFA) is proposed. The detailed site plan proposal is exempt from Section 4.3 of the Landscape Manual, as no new paving or construction will take place. The single new parking space will be created by restriping with no resurfacing activity. The subject proposal is exempt from Section 4.7 of the Landscape Manual, as the proposed change of use is from a medium (office) to a low (day care) impact use and there is no increase in GFA. No additional buffering is required.

9. **Woodland Conservation and Tree Preservation Ordinance:** This property is exempt from the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the gross tract area is less than 40,000 square feet and there are less than 10,000 square feet of existing woodland. The applicant has provided a standard letter of exemption from the Woodland Conservation Ordinance dated April 9, 2009, which is valid for two years.
10. **Referral Agencies and Divisions:** The subject application was referred to the concerned agencies and divisions, referenced below. The following findings are based upon the comments contained in the referrals and the evidence presented at the hearing.

**Historic Preservation Section:** The DSP for a commercial day care center in the C-O Zone will have no effect on identified historic sites, resources, or districts.

**Transportation Planning Section:** The daycare will be located within an existing building with no change to access or circulation; this is acceptable. This site is not within or adjacent to any master-plan roadway facilities.

**Permit Review Section:** Ten comments were applicable to the subject DSP. These comments have been addressed by the applicant.

**Environmental Planning Section:** The site qualifies for exemption from the Woodland Conservation Ordinance and that there are no other environmental issues.

**Department of Public Works and Transportation (DPW&T):** In a memorandum dated June 29, 2009, DPW&T offered six general conditions. The site plan is in general conformance with approved Stormwater Management Concept Plan 11083-2009-00, dated May 5, 2009.

**Maryland Department of Human Resources:** The Maryland Department of Human Resources responded via telephone on July 24, 2009 (Chester to Jones) that they have no comments at this time.

**Town of Capitol Heights:** The Town of Capitol Heights had no comments.

**City of District Heights:** The City of District Heights had no comments.

11. **Urban Design Section:** The Planning Board accepts that the proposal to convert an existing office building in the C-O Zone to a day care center is generally in compliance with the standards of the 1985 approved master plan for Suitland-District Heights and vicinity, the Prince George's County Zoning Ordinance, and the Landscape Manual.
12. As required by Section 27-285(b), 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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-09005, subject to the following conditions:

1. Prior to signature approval of this detailed site plan, the applicant shall submit a photometric study or other relevant data to demonstrate that the parking lot will be adequately lit by the existing site lighting or that supplemental lighting will be provided.
2. Prior to signature approval, the applicant will be required to submit a revised plan to show the following:
  - a. Accurately depict existing site vegetation and fencing.

- b. Show that a fabric or shade structure will be provided to create additional shade within the play area.
- c. The applicant shall demonstrate that the existing chain-link fence on the southeast property boundary will be removed or replaced.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Cavitt, with Commissioners Vaughns, Cavitt, Clark and Parker voting in favor of the motion, and with Commissioner Squire abstaining at its regular meeting held on Thursday, September 10, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1<sup>st</sup> day of October 2009.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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