



PGCPB No. 13-86

File No. DSP-12049

RESOLUTION

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 July 11, 2013, regarding Detailed Site Plan DSP-12049 for Little Gifts from God Day Care Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care center for 64 children within an existing 2,600-square-foot building and an associated outdoor play area, in the Light Industrial (I-1) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	I-1	I-1
Use(s)	Auto Sales Lot	Day Care Center for Children
Acreage	0.38	0.38
Lots	1	1
Gross Floor Area (GFA)	2,600 sq. ft.	2,600 sq. ft.

OTHER DEVELOPMENT DATA

Parking Spaces Required

64 children @ 1 space per 8 children **8 spaces**

Parking Spaces Approved

Standard Spaces	8 spaces
Van-Accessible ADA Spaces	1 space
Total	9 spaces

Play Area Required for Day Care **2,400 square feet**

64 children x 0.5 x 75 square feet

Play Area Approved for Day Care **3,000 square feet**

3. **Location:** The subject site is located on the northeast side of Old Alexandria Ferry Road, at its intersection with Highland Meadows Drive. The site is located within Planning Area 81A, Council District 9, in the Developing Tier.

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4. **Surrounding Uses:** The subject property is bounded to the north and east by properties in the I-1 Zone developed with automobile repair uses; to the south by a distributor warehouse in the I-1 Zone; and to the west by the right-of-way of Old Alexandria Ferry Road.
5. **Previous Approvals:** The subject site, Lot 138, was recorded in Plat Book CEC 92-100 and approved on January 8, 1976. Tax records indicate the structure was built in 1955 and the property was previously in use as an auto sales lot.
6. **Design Features:** The subject 0.38-acre property is fully developed with a one-story, 14-foot-high, 2,600-square-foot, L-shaped building located in the north central portion of the site, within five feet of the northern property line and approximately 28 feet from the Old Alexandria Ferry Road right-of-way. The entire western and southern portion of the property is covered in asphalt paving. The northeast corner of the property, within the L-portion of the building, is covered in gravel with some grass regrowth. One, 22-foot-wide vehicular entrance from Old Alexandria Ferry Road is located in the southwestern corner of the property.

The subject application for a day care center for 64 children proposes no site improvements except in the northeastern corner of the site for the proposed 3,000-square-foot outdoor play area. The one vehicular entrance will remain and leads directly into the drive aisle servicing the proposed nine parking spaces located to the south of the building, within the existing paved area. Within the proposed outdoor play area, the existing gravel is to be removed and replaced with a safe, resilient surface, such as wood chips. Other proposed improvements in this area include a square, ten-foot by ten-foot, fabric, shade canopy; three proposed red maple shade trees; and a six-foot-high, vinyl, sight-tight fence enclosure. No architectural changes have been proposed with this DSP.

The applicant has not submitted any freestanding or building-mounted signage for review with the subject application. Section 27-617 of the Zoning Ordinance states that institutional signs, including those for day care centers, are permitted in industrial zones and provides design standards. The location of and details for any proposed sign for the day care center should be included in the DSP prior to signature approval. The sign will be required to meet the requirements of the Zoning Ordinance.

7. **Prince George's County Zoning Ordinance:** The proposed children's day care use and outdoor play area are in conformance with Section 27-469 (I-1 Zone) and Section 27-473 (Uses Permitted in Industrial Zones) of the Zoning Ordinance.
 - a. Section 27-469(b)(1) and (2), I-1 Zone (Light Industrial), defines additional requirements for development in this zone that apply to the subject application as follows:
 - (b) **Landscaping, screening, and buffering of development in the I-1 Zone shall be provided in accordance with the provisions of the Landscape Manual. In addition, the following applies:**

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- (1) At least ten percent (10%) of the net lot area shall be maintained as green area.**
- (2) Any landscaped strip adjacent to a public right-of-way required pursuant to the provisions of the Landscape Manual shall not be considered part of the required green area.**

The 3,000-square-foot play area, as an active recreational area, can be counted towards the green area requirement per Section 27-107.01, Definitions, of the Zoning Ordinance. This area easily meets the ten percent requirement, which would be 1,654 square feet. A note shall be added to the plan listing the required and provided green area on-site, in accordance with Condition 1(a) below.

Section 27-469(c)(1), I-1 Zone (Light Industrial), defines additional requirements for development in this zone that apply to the subject application as follows:

- (c) Outdoor storage.**
 - (1) Outdoor storage shall not be visible from a street.**

The submitted DSP does not propose any outdoor storage.

- b. Per Section 27-473 (Uses Permitted in Industrial Zones) of the Zoning Ordinance, the proposed day care center for children is a permitted use in the I-1 Zone in accordance with Section 27-475.02(a)(1)(A), which sets forth additional requirements for a day care center for children as follows:

- (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;**

According to this requirement, a 2,400-square-foot outdoor play area is required for 50 percent of the proposed day care center's maximum enrollment of 64 children. The applicant indicated on the DSP that the proposed play area is 3,000 square feet. A note on the DSP indicates that the existing gravel within this area will be removed and replaced with a safe, resilient play surface.

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- (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 proposed outdoor play area is not located within 25 feet of any dwelling on an adjoining lot as there are no dwellings on adjoining lots. The play area is proposed to be enclosed by a six-foot-high, vinyl, sight-tight fence.

- (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;**

The proposed outdoor play area is located in the northeast corner of the site, behind the existing building. The play area is proposed to be enclosed by a six-foot-high, vinyl, sight-tight fence, which will separate it from the surrounding industrial uses. The Planning Board found that this fence be extended along the entire length of the northern, eastern, and southern property lines to enhance the safety of the children in the day care center, and to increase the sense of separation of the property from the surrounding industrial uses. Additionally, the fence along the southern property line should include a masonry base for further separation.

- (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 proposed outdoor play area is located on-premises, immediately adjacent to the day care center building.

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

The proposed play area is bordered by the building on the west and part of the south side. Additionally, the DSP includes a detail for a shade structure that has approximate dimensions of ten feet by ten feet in the central southern portion of the play area, and three new shade trees in the northern portion of the play area. The Planning Board found this combination of elements will serve to provide sufficient shade to the play area during the warmer months. The Planning Board found that industry standard landscape specifications should be provided on the DSP to ensure the planting site is properly prepared for the health of the trees.

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- (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 plan shall be revised to note that the play area will be limited to daylight hours, if that is the applicant's intention. If the play area is to be used after dark, satisfactory lighting will be provided and noted on the plan, in accordance with Condition 1(c) below.

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

A note on the submitted DSP indicates that the hours of the outdoor play area are limited to the hours between 7:00 a.m. and 6:00 p.m.

8. **Prince George's County Landscape Manual:** The approved day care use within an existing building, and associated playground, is exempt from all of the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), except Section 4.4, Screening Requirements, because the approved improvements will not require a building or grading permit, do not involve a change of use from a lower to a higher intensity use category or from a residential to a nonresidential use, and do not involve an increase in gross floor area.
- a. **Section 4.4, Screening Requirements**—Requires that all dumpsters and loading spaces be screened from all public roads and adjacent properties. The submitted DSP does not propose any improvements that would be required to be screened by this Section.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is exempt from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the site has less than 10,000 square feet of woodland and no previously approved tree conservation plans. The site needs to submit an application for a WCO exemption letter and, if the site will disturb over 5,000 square feet, a natural resources inventory (NRI) equivalence letter needs to be applied for with the Environmental Planning Section. A condition has been included in this approval requiring the applicant to get these letters prior to certification of the DSP.
10. **Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 1,500 square feet of disturbance. The subject development is exempt from this requirement as it will not require a building or grading permit for more than 1,500 square feet of disturbance.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

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- a. **Community Planning**—This application is consistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developing Tier. The April 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* designates this area for industrial land use. A child day care center, while not an industrial use, is a use that is complementary of employment/industrial uses since it provides a valuable service for area employees.

This property is within the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) area. The property is within Imaginary Surface B, establishing a height limit of 142.22 feet above the runway surface. The property is just outside the 65 dBA and above noise contour. While the property is not within Accident Potential Zone (APZ) 1, it is very close to the Accident APZ1 boundary, roughly less than 100 feet. Though these categories do not impact the subject property, they should be noted on the DSP.

Although it is within the Interim Land Use Control area, the entire property is just outside of both Accident Potential Zone 1 and the 65 dBA and above noise contour. Therefore, the proposal for a day care center is allowed. Noise attenuation is not required for nonresidential structures.

Improvements should be made to the proposed children's play area in order to make it more suitable and safe for young children. Improvements such as a permanent shade structure, more mature shade trees and a grass surface instead of gravel would enhance the children's play area significantly over what is proposed.

Additionally, the frontage along Old Alexandria Ferry Road should be improved in order to create a more inviting environment. Currently, the frontage of this property consists of continuous paving behind a chain-link fence without any landscaping which contributes to a more industrial look. Removing the chain-link fence and adding landscaping would both improve the context of the building and the surrounding area.

The submitted DSP proposes a permanent shade structure within the outdoor play area and it includes a note stating that the existing gravel within the play shall be removed and replaced with a safer, resilient play surface, such as wood chips. Conditions have been included in this approval regarding addition of landscaping to the site as suggested.

- b. **Subdivision Review**—The property is known as Lot 138, located on Tax Map 107 in Grid F-4, zoned I-1, and is 16,540 square feet. Lot 138 was recorded in Plat Book CEC 92-100 and approved on January 8, 1976. The property is improved with a 2,600-square-foot office building. The applicant has submitted a DSP to convert the existing building into a day care center for 64 children. No new buildings or additional gross floor area is being proposed.

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The existing record plat for Lot 138 contains no restriction on adequate public facilities and no public utility easements; therefore, a preliminary plan of subdivision is not required. The DSP shows the boundary, bearings, and distances of Lot 138 as reflected on the record plat.

- c. **Permit Review**—The Permit Review Section did not provide comments on the subject application.
- d. **Environmental Planning**—The Planning Board reviewed the following comments on environmental issues:
- Wetlands/Streams: Not found on-site
 - 100 Year Floodplain: Not found on-site
 - 2005 *Approved Countywide Green Infrastructure Plan*: Not found on-site
 - Noise: No arterial or greater adjacent roadway; No issues with outdoor play area
 - Scenic/Historic roadway: No issue
 - Marlboro Clay soils: Not found on-site
 - Andrews Air Force Base Issues:
 - (1) The site is located 88 feet away from the “Accident Potential Runway Area for Andrews AFB Zone”;
 - (2) Located in Zone B of the Approach/Departure (50:1) Imaginary Runway Surface;
 - (3) Located OUTSIDE of the 65-70 decibel noise contour zone.
- e. **Prince George’s County Fire/EMS Department**—In a memorandum dated May 20, 2013, the Prince George’s County Fire/EMS Department offered their standard comments on needed accessibility, private road design, and the location and performance of fire hydrants. These issues will be enforced during permit review.
- f. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated May 22, 2013, DPW&T provided the following comments:
- (1) The property is located on the north side of Old Alexandria Ferry Road, near the intersection of Old Alexandria Ferry Road and Highland Meadows Drive.
 - (2) The proposed work is to add a new play area with the associated fence and playground equipment.
 - (3) An approved DPW&T stormwater management concept plan will be required.

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- (4) Old Alexandria Ferry Road is a master-planned major collector roadway (MC-501). Frontage improvements as determined by DPW&T will be required. These include, but are not limited to, installation of curb and gutter, sidewalk, street trees, and street lights.

In follow-up correspondence with DPW&T, it was indicated that the applicant would have to apply for a stormwater management concept plan, although that does not necessarily mean that stormwater facilities would be required. Therefore, a condition has been included in this approval requiring this to be completed prior to certification of the DSP, and any improvements required by DPW&T be shown on the DSP.

- g. **Prince George's County Police Department**—In a memorandum dated May 22, 2013, Corporal Kurt Schnitzenbaumer of the Police Department provided the following comments on the subject application:

“After reviewing the plans and visiting the site, there are a few Crime Prevention through Environmental Design (CPTED) recommendations at this time. First, I feel that 8 parking spots for 64 children, administrative and day care providers are inadequate for this facility. There is still plenty of room in the front of the building and to the rear of the building along the vinyl fence to create more parking. I do not see any dedicated parking for staff on the plans either. If they planned on the staff using the open space I have pointed out, then that should be delineated on the plans.”

The submitted DSP meets the Zoning Ordinance requirements for provided parking; therefore, the Planning Board found that no additional parking needs to be provided at this time.

“After visiting the site and seeing the lights already on the structure, I recommend additional lighting be used throughout the facility. The light above the east entrance points directly downward providing light only to the entrance. The parking lot does not have sufficient lighting. I recommend free standing poles with lights in the north/east and south/east corners of the property. I also recommend a free standing pole light in the north/west corner with two directional lights for the outdoor play area.”

The Planning Board found that the additional lights as suggested will add to the safety and security of the property. Therefore, a condition has been included in this approval requiring the addition of the lights as suggested.

“The existing concrete slab to the rear of the building has a downward slope from the building extending out. I recommend, for safety, that the slab be leveled off.”

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The Planning Board found that no changes need to be made to the concrete slab within the play area at this time, as the DSP specifies that a safer resilient surface will be installed around it, which will help to mitigate any safety concerns. Additionally, if it were to be leveled off, it could possibly stick up above the ground surface to a point where it would cause more of a safety issue.

“I like the vinyl privacy fence being used as this facility is surrounded on three sides by industrial buildings with a lot of traffic. My recommendation is that on the east side of the outdoor play area a gate be installed along with the vinyl fencing. This will provide an emergency exit for the children and staff from the outdoor play area.”

The DSP has been revised to show a proposed four-foot-wide gate along the south side of the play area, which will provide an emergency exit to the parking lot area.

“In order to complete my CPTED review, I am requesting any architectural plans there may be for the structure itself. Such as windows being added, what type of doors will be used, how access control will be implemented on the entrances to the building and what plans they have to use or remove the garage doors on the rear of the building.”

The submitted DSP did not include architectural plans as no changes are proposed to the building. The submitted photographs indicate that there are three typical entry doors to the building and that there are two overhead garage doors on the northeast side of the building. There is a note on the submitted DSP that the garage doors will not be used for entry or exit.

“I also recommend a security system and some type of CCTV (closed circuit television) for the safety of the children and staff.”

While a requirement for a security system would probably be within the Planning Board's authority, the Planning Board found that it does not appear to be necessary given the limited hours of the use and the proposed/required fencing of the property. The applicant may want to consider the use of a security system.

h. **Prince George's County Health Department**—In a memorandum dated May 24, 2013, the Environmental Engineering Program provided the following comments on the subject application:

- (1) The property is within the Andrews Air Force Base 65 dBA noise impact zone. Noise can be detrimental to health with respect to hearing impairment, psycho-physiologic effects, and psychiatric symptoms. The applicant should provide details regarding modifications/adaptations/mitigation as necessary to

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minimize the potential adverse health impacts of noise on the susceptible population.

This is incorrect. According to PGAtlas and the Environmental Planning Section, the site lies outside of the 65 dBA noise impact zone. Therefore, there are no noise mitigation measures required for the outside play area. Additionally, mitigating overhead airplane traffic would be very difficult for an outdoor recreation area. However, the Planning Board suggests the applicant consult a professional engineer with competency in acoustical analysis to explore possible adaptations to the building to reduce interior noise levels to 45 dBA or less, if determined to be necessary.

- (2) The property is in a light industrial area, and records indicate the building was previously the site of an automobile sales operation. Additionally, records indicate automobile repair based business operations on adjacent properties. Due to this history, and the potential for petroleum contamination of both soils and groundwater frequently associated with automobile based operations, it is recommended that an environmental site assessment be completed, and/or such a report submitted for review at least 35 days prior to the Planning Board Hearing.

Given the sensitive nature of the requested use, with small children using the site daily, and the history of automobile-related uses on and adjacent to the subject property, the Planning Board found that an environmental site assessment be required prior to issuance of a use and occupancy permit. A condition has been included in this approval requiring completion of this assessment.

- i. **Maryland Department of Human Resources**—The Maryland Department of Human Resources did not provide comments on the subject application.

12. Based on the foregoing analysis, 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.

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-12049, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the applicant shall:
 - a. Add a note listing the required and provided green area on-site.

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- b. The location of, and details for, any proposed freestanding or building-mounted sign for the day care center shall be included in the DSP. The sign shall meet the requirements of the Zoning Ordinance.
 - c. Revise the DSP to note that the outdoor play area is limited to daylight hours only, or if the play area is to be used after dark, satisfactory lighting shall be demonstrated on the site plan.
 - d. Provide a copy of an approved Woodland Conservation Ordinance (WCO) exemption letter and, if required, a natural resources inventory (NRI) equivalence letter.
 - e. Provide a copy of an approved stormwater management concept plan and letter. Revise the DSP, if necessary, to reflect any improvements required by DPW&T.
 - f. Revise the DSP to show a minimum six-foot-high, vinyl, sight-tight fence extending along the entire length of the northern, eastern, and southern property lines. The fence along the southern property line shall include a two-foot high masonry base.
 - g. Revise the DSP to show the removal of the chain-link fence along the entire frontage on Old Alexandria Ferry Road, to be replaced with a minimum six-foot-high, black, metal, ornamental fence and a minimum five- to ten-foot-wide landscape strip planted with a minimum of three shade trees and 20 shrubs.
 - h. Provide industry standard landscape specifications on the DSP for planting site preparation and planting procedures.
 - i. Revise the DSP to note the relationship of the site to the Joint Base Andrews (JBA) Interim Land Use Control (ILUC) categories.
 - j. Revise the DSP to show freestanding light poles in the northwest, northeast, and southeast corners of the property, with directional lights pointed into the property.
2. Prior to the issuance of any use and occupancy permit for a day care center on the subject property, the applicant shall provide documentation of a Phase I and Phase II environmental site assessment, including air and soil testing, having been done for the property. Any Phase III investigations/remediation recommended by the Phase II, shall also be completed prior to issuance of a use and occupancy permit.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 11, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of July 2013.

Patricia Colihan Barney
Executive Director

By *Jessica Jones*
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY

George Jones
M-NCPPC Legal Department

Date 7/16/13