



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 16-153

File No. DSP-15039

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 December 15, 2016, regarding Detailed Site Plan DSP-15039 for Day Care Center at 6000 Marlboro Pike, the Planning Board finds:

1. **Request:** The subject application is for a 2,757-square-foot day care center for 63 children, also known as Day Care Center at 6000 Marlboro Pike. The applicant proposes to locate the daycare center in an existing building previously used for a professional office.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C	C-S-C
Use	Professional office	Day care center
Acreage	0.30	0.74
Parcel	1	1
Gross floor area (square feet)	2,757	2,757

3. **Location:** The subject day care center is located in the northeast quadrant of the intersection of Belwood Street and Marlboro Pike, at 6000 Marlboro Pike.
4. **Surrounding Uses:** The property is bounded to the north by a single-family detached dwelling in the One-Family Detached Residential (R-55) Zone; to the south by Marlboro Pike and beyond by a shopping center in the Commercial Shopping center (C-S-C) Zone; to the east by a restaurant in the C-S-C Zone and single-family detached homes in the R-55 Zone; and, to the west by Belwood Street and beyond by single-family detached dwellings in the Commercial Office (C-O) and R-55 Zones.
5. **Previous Approvals:** The subject property has an approved Alternative Compliance (AC-90141) approved December 6, 1990 and a Departure from Design Standards DDS-528 approved November 14, 2002. The 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* retained the subject property in the C-S-C Zone. A Stormwater Management Concept Plan (9181-2016) was approved on April 26, 2016 that is valid until April 26, 2019.
6. **Design Features:** The subject site contains an existing one-story, 2,757-square-foot brick building that currently houses an insurance office. Access is provided via a two-way access driveway from Belwood Street, and parking is provided at the rear of the building adjacent to Belwood Street. No

additional gross floor area is proposed. A 2,701-square-foot play area is shown in the rear yard of the site which will include play equipment and be shaded from the sun in the warmer months with landscaping. Six evergreen trees shall be provided in a staggered line to screen it from Belwood Street. The site plan shows a crosswalk to provide safe access for the children, extending from the proposed day care across the parking area to the proposed play area. A striped crosswalk shall also be provided across the entrance driveway, along Belwood Street to ensure safe pedestrian access.

The applicant is proposing one building-mounted sign in illuminated light-emitting diode (LED) channel letters. The total sign face area is 13.5 by 1.5 or approximately 20.5 square feet. Although the sign is within the allowable square footage provided in accordance with Section 27-617 (48 square feet) of the Zoning Ordinance, the allowable sign area calculation is not provided, and the location of the sign on the elevation is not shown. The site plan should be revised to show the allowed and provided sign area calculations per Section 27-617 and indicate

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP is in conformance with Section 27-454, Purposes of the 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 DSP is also in conformance with Section 27-462, Regulations in the C-S-C Zone.

- a. With the conditions approved with this application, the DSP will be 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;**

The applicant is proposing an enrollment capacity of 63 children, and a minimum of 2,400 square feet of play area is required. The applicant proposes a play area of 2,701 square feet, which will allow for a maximum of 36 children to utilize the play area at one time. The general notes indicate no more than 32 children will be using the play area at one time. The DSP meets 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;**

The proposal is in conformance with this requirement. A note should be added to the site plan indicating that the play area is more than 25 feet from any dwelling on an adjoining lot.

- (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 location of the existing play area does not necessitate a greater setback or higher fence. The applicant's Statement of Justification states that "the closest distance from the play area to the residential dwellings adjacent to the southern property line is at least 70 feet." A six-foot-high vinyl-covered chain-link fence is proposed around the play area. Therefore, the Planning Board finds that the proposed six-foot-high fence is sufficient, and a greater setback or higher fence around the play area will not be needed to protect the health and safety of the children utilizing the play area.

- (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;**

As the outdoor play area in this case is not off-premise, 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;**

The applicant proposes landscaping and covered play equipment that will provide sufficient shade during the warmer months, as protection from the sun. A note should be added to the site plan indicating that the play area has sufficient shade during the warmer months.

- (vi) **Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to ensure safe operation of the area;**

The statement of justification and general notes indicate that the play area will be utilized only during daylight hours.

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

The general notes indicate that the hours of operation will be between 7:00 a.m. and 9:00 p.m.

(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 the Section.**

Subject to the attached conditions, the subject application will 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.**

The general notes indicate the proposed enrollment. The site plan does not indicate the location of all adjacent buildings on the adjacent lots as required in Subpart (ii) above. The site plan should be revised to show the location of all buildings on adjoining lots. A condition is included in the approval of this application to address this concern. The location and size of the outdoor play area are indicated as required by Subpart (iii) above, and the location, quantity, and type of screening are located in accordance with Subpart (iv) above.

- b. The DSP shows a site layout that is generally consistent with the applicable site design guidelines including Section 27-462, Regulations, for the C-S-C Zone.

The DSP is also consistent with Section 27-274 of the Zoning Ordinance regarding site design guidelines including those for parking, lighting and green area.

- c. Part 11 of the Zoning Ordinance requires that a total of eight parking spaces be provided for an enrollment of 63 students. The applicant is proposing a total of 13 parking spaces, including one handicap space, as required. No loading spaces are required or provided.
8. **Alternative Compliance (AC-90141) and Departure from Design Standards (DDS-528):** The site plan is in conformance with AC-90141, which had no conditions. Departure from Design Standards DDS-528 was approved on October 24, 2002 (PGCPB Resolution No. 02-224) from Sections 4.2 and 4.7 of the 1990 Landscape Manual with 11 conditions which were previously satisfied. The applicant has indicated that several required plants will be replaced and/or added to meet the previous requirements, which are shown on the plan.
9. **2010 Prince George's County Landscape Manual:** The proposal is generally exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because no new construction is proposed and the use will not have a greater impact than the previous office use. It is noted that the property was subject to a previous Alternative Compliance approval (AC-90141) to allow a seven-foot-wide landscaped strip along Marlboro Pike and Belwood Street, and a Departure from Design Standards (DDS-528) for landscaping requirements. Notwithstanding the above, the site has been expanded since the above approvals, and the added linear length of the site is subject to Section 4.2, Landscape Strips Along Streets Section 4.7, Buffering Incompatible Uses and Section 4.9, Sustainable Landscaping Requirements.
 - a. **Section 4.2, Landscape Strips Along Streets**—Applies to all public and private road frontages, which includes that portion of Belwood Street in the current application not included in previous approvals. The applicant should revise the plan to show a 10-foot-wide planted landscape strip in accordance with this section. Evergreen trees shall be provided parallel to the northern boundary of the play area for additional screening.
 - b. **Section 4.7, Buffering Incompatible Uses**—Requires that a buffer be provided between adjacent incompatible land uses. The applicant has provided Section 4.7 schedules for the eastern and southern boundaries of the play area rather than the entire length of property boundary not included in prior approvals. It appears that existing trees may fulfil planting requirements along the southern property line and a portion, if not all, of the eastern property line. The applicant should revise the plan to label the Section 4.7 bufferyard limits and widths, show the existing tree line, and adjust the Section 4.7 calculations and proposed plantings accordingly.
 - c. **Section 4.9, Sustainable Landscaping Requirements**--Requires that certain percentages of native plants be provided on-site, along with no invasive plants and no plants being planted on slopes steeper than three-to-one. Because additional plantings are proposed and required, a schedule for Section 4.9, Sustainable Landscaping Requirements, should be

provided. It is noted that the previously-approved Barberry shrub is an invasive species. Any dead Barberry shrubs shall be replaced with a native, non-invasive plant species.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the property has less than 10,000 square feet of existing woodlands on-site, and there are no previously approved tree conservation plans on the subject site.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The application is exempt from the requirements of the Tree Canopy Coverage Ordinance, as it does not involve land disturbance of more than 5,000 square feet.
12. **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:
 - a. **Community Planning**—The following summarized comments are provided:
 - (1) The *Plan Prince George's 2035 Approved General Plan* designates the area in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low to medium-density development.
 - (2) The subject property is within the 2010 *Approved Subregion 4 Master Plan and Sectional Map Amendment* which retained the subject property in the Commercial Shopping Center (C-S-C) Zone.
 - (3) Findings of conformance with the Master Plan and General Plan are not required with this application. There are no master plan issues associated with the proposed day care center.
 - b. **Environmental Planning**—The following summarized comments are provided:
 - (1) The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance (S-074-16) because the site contains less than 10,000 square feet of existing woodland and the property has had no previous Tree Conservation Plan approvals. The exemption letter is valid until April 14, 2018. An NRI equivalency letter has been issued based on the standard woodland conservation exemption and that no regulated environmental features are proposed to be impacted. The NRI equivalency letter dated April 1, 2016, (NRI-093-2016) is valid until April 14, 2021.
 - (2) No Stormwater Management Concept information was received. Prior to Planning Board approval of the application, the applicant is required to submit an approved Stormwater Management Concept Plan.

The applicant has since provided a Stormwater Management Concept Plan (9181-2016) and approval letter dated April 26, 2016 that is valid until April 26, 2019.

- (3) The site fronts on Marlboro Pike, a master plan designated collector roadway. The site is approximately 185 feet from Silver Hill Road, a master plan designated arterial roadway which is regulated for traffic generated noise with respect to residential uses only. No additional information with respect to noise is required for the current application. The site fronts on Marlboro Pike, a designated historic roadway. The 2010 *Prince George's County Landscape Manual* (Landscape Manual) addresses the requirements with regard to buffering of scenic and historic roads. No other environmental requirements have been identified for this application.
- c. **Subdivision Review**—The subject property has never been the subject of a final plat of subdivision. Because there is no increase in gross floor area, a preliminary plan of subdivision is not required at this time.
- d. **Transportation**—The following summarized comments are provided:
- (1) The day care center is expected to generate 30 AM and 31 PM peak-hour trips. A portion of these, 40 percent, are pass-by trips, i.e. vehicles already on the Marlboro Pike. The projected number of trips reflects the pass-by rate. This information is provided for informational purposes only as there is no trip cap associated with the site.
 - (2) Access to the site will be provided from Belwood Street by an existing commercial entrance. Sidewalks surround the site and the parking lot is located behind the existing building which is desirable. On-site access and circulation is adequate. There may be some conflicts for left-turning vehicles exiting the site onto Marlboro Pike based on the closeness of its intersection with Silver Hill Road and the existing left-turn storage lane.
 - (3) The site is adjacent to Marlboro Pike, which is a master plan collector roadway listed in the 2009 *Approved Marlboro Pike Sector Plan and Approved Sectional Map Amendment* with a right-of-way width of 80 feet. No new development is proposed in the master plan right-of-way. Belwood Street, a non-master plan roadway, is shown on the site plan with 50 feet of right-of-way.
 - (4) There are no underlying transportation conditions.
 - (5) Overall from the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.

e. **Trails**—The following summarized comments are provided:

- (1) The DSP application referenced above was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2009 *Approved Marlboro Pike Sector Plan and Sectional Map Amendment* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements. The subject application proposes a day care facility within an existing structure.
- (2) The developed portion of the site includes standard sidewalks along both Marlboro Pike and Belwood Street. A striped walkway is indicated between the building and the proposed outdoor play area.

Because no new construction is proposed, additional frontage improvements are not warranted and the requirements of the design guidelines are not triggered.

f. **Permit Review**—Comments have either been addressed in revisions or are included as conditions in the approval of this application.

g. **Historic Preservation**—The proposal will have no effect on historic or archeological resources.

f. **Prince George's County Police Department**—The Police Department did not provide comment on the subject application.

g. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated October 28, 2016, DPIE provided the following summarized comments:

- (1) The DSP is consistent with Stormwater Management Concept Plan No. 19181-2016, dated April 26, 2016 and valid until April 26, 2019.
- (2) An appropriate DPIE permit is required for all additional access points from existing County roads, improvements of existing access points, utility taps and on-site grading work associated with this site.
- (3) DPIE has no objection to the proposed DSP.

h. **Prince George's County Health Department**—The Health Department did not provide comment on the subject application.

i. **Maryland State Highway Administration (SHA)**—SHA did not provide comment on the subject application.

- j. **Prince George's County Fire/EMS Department**—The Fire/EMS Department did not provide comment on the subject application.
 - k. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not provide comment on the subject application.
 - l. **Verizon**—Verizon did not provide comment on the subject application.
 - m. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comment on the subject application.
 - n. **Town of District Heights**—The Town of District Heights did not provide comment on the subject application.
 - o. **Town of Capitol Heights**—The Town of Capitol Heights did not provide comment on the subject application.
13. 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 costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a detailed site plan:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

There are no regulated environmental features located on the subject site, therefore, this requirement does not apply.

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-15039, subject to the following conditions:

- 1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made or information provided:
 - a. A striped crosswalk shall be provided across the entrance driveway, along Belwood Street.

- b. Provide site plan notes as follows:
 - (1) Indicate the play area is more than 25 feet from any dwelling on an adjoining lot.
 - (2) "Resilient flooring in accordance with the standards of the American Society for Testing and Materials (ASTM) shall be provided in the proposed outdoor play area where play equipment will be installed."
 - (3) "Grading of the outdoor play area shall ensure complete drainage of any stormwater from the play area."
- c. The site plan shall be revised to show the location of all buildings on adjoining lots.
- d. Provide the allowed and provided sign area calculations per Section 27-617 of the Prince Georg's County Zoning Ordinance and indicate the location of the building-mounted sign on the building elevation.
- e. Show a 10-foot-wide planted landscape strip along Belwood Street in accordance with Section 4.2 of the 2010 *Prince George's County Landscape Manual*. Six evergreen trees shall be provided in a staggered line in partial fulfilment of Section 4.2 requirements to screen the play area.
- f. Revise the plan to label the Section 4.7 bufferyard limits and widths, show the existing tree line, and adjust the Section 4.7 calculations and proposed plantings accordingly.
- g. Provide a schedule for Section 4.9, Sustainable Landscaping Requirements. Any dead Barberry shrubs shall be replaced with a native, non-invasive plant species.
- h. The applicant shall demonstrate conformance with the 2010 *Prince George's County Landscape Manual*, Section 4.2, Landscape Strips Along Streets, for Belwood Street and Section 4.7, Buffering Incompatible Uses, along the eastern and northern property lines adjoining residential properties, for the portions of the site not previously covered in Alternative Compliance AC-90141, or shall receive approval for alternative compliance.


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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 15, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2017.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:CF:rpg

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 12/22/16