THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2023-104 File No. DSP-22025

RESOLUTION

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Future Stars Early Learning Center, LLC, submitted an application for approval of a detailed site plan for conversion of a 1,053-square-foot tenant space to allow a day care center for children within a 9,530-square-foot existing shopping center on the subject property, known as Parcel A, shown on Tax Map 72 in Grid F4, and located in the Commercial, General and Office (CGO) Zone; and

WHEREAS, pursuant to Section 27-1903(c) of the Zoning Ordinance, development proposals for properties in the Commercial, General and Office (CGO) Zone may utilize the prior Zoning Ordinance or Subdivision Regulations for development of the property on which the development is proposed; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on October 5, 2023, regarding Detailed Site Plan DSP-22025 for Future Stars Early Learning Center, the Planning Board finds:

1. **Request:** This detailed site plan (DSP) is for conversion of a 1,053-square-foot tenant space, within a 9,530-square-foot existing shopping center, to allow a day care center for children use to replace an existing commercial retail use. The day care center has an enrollment of 12 children, with the capacity to accommodate up to 20.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	CGO (Prior C-S-C)	CGO (Prior C-S-C)
Use	Commercial Retail	Commercial Retail and Day Care Center for Children
Gross acreage	1.63	1.63
Parcels/Lots	1	1
Gross floor area (GFA) of building	1,053 sq. ft.	1,053 sq. ft.

Shopping Center Parking Data

Use	REQUIRED	PROVIDED
Catering Establishment with Food Prep Only @ 1 space/500 sq. ft. of GFA	2	2
Commercial Retail @ 1 space/150 sq. ft. of the first 3,000 sq. ft. GFA	50	50
Day Care (20 Children) @ 1 space/8 Children	3	3*
Total	**55 Spaces**	**55 Spaces (Includes 3 handicap-accessible spaces)**

Note: *All existing parking spaces do not meet the dimensional requirements of Section 27-558 of the prior Prince George's County Zoning Ordinance. However, the three parking spaces that will be provided by the applicant will meet these requirements.

Outdoor Play Area

Use	REQUIRED	PROVIDED
Day Care (20 Children) @ 75 sq. ft./Child	750 sq. ft.	812 sq. ft.**

Note: **Section 27-464.02 of the prior Zoning Ordinance requires that day care centers provide at least 75 square feet of play space per child, for 50 percent of the licensed capacity, or 75 square feet per child, for the total number of children to use the play area at one time, whichever is greater. The applicant provides 812 square feet of outdoor play area, in conformance with this requirement.

3. **Location:** The subject property is known as Parcel A, located on Tax Map 72 in Grid F4, on the east side of Marlboro Pike, approximately 725 feet north of its intersection with Walker Mill Road, in Planning Area 75A and Council District 7. Parcel A is currently developed with a shopping center, known as the Oak Crest Gardens Shopping Center.

4. **Surrounding Uses:** The subject property is in the Commercial, General and Office (CGO) Zone and is bounded to the north and east by multifamily residential dwelling units in the Residential, Multifamily-20 (RMF-20) Zone, to the south by vacant land and commercial properties in the CGO Zone, and to the west by Marlboro Pike.

5. **Previous Approvals:** The property is subject to Preliminary Plan of Subdivision (PPS) 12-2779, which was approved by the Prince George's County Planning Board on May 17, 1961, and for which no records are available. Available aerial imagery indicates that the existing building on-site was constructed between 1965 and 1977. The site has an approved Stormwater Management (SWM) Concept Plan, 10365-2023-00, which is valid through March 24, 2026.

6. **Design Features:** The property is a rectangular-shaped parcel and is currently improved with a 9,530-square-foot shopping center. The shopping center is centrally located on the property, with two access points from Marlboro Pike and existing parking spaces on the southern and western sides of the center. Crosswalks are provided at both access points, and there is one bicycle rack, to be utilized by all patrons of the shopping center.

   This DSP is for conversion of one tenant space, unit 5244, from a commercial retail use to a day care center for children, ages 18 months to 5 years old. The tenant space is 1,053 square feet and located in the central portion of the shopping center. Fifteen square feet of canopy signage is provided above the unit stating the name of the business "Future Stars Early Learning Center." The DSP includes three dedicated parking spaces to the day care center to meet the minimum parking requirement, and an additional handicap-accessible space, via restriping. Two of the parking spaces will have signage noting that they are reserved exclusively for the day care. The third parking space will note it is reserved for day care pick up and drop off only. The rear of the day care center will contain the required outdoor play area, which is 812 square feet. The outdoor play area will be enclosed by a 6-foot-tall, board-on-board, wooden fence accessed through the rear door of the tenant unit or via a 6-foot-high by 5-foot-wide wooden gate. The play area will include playground equipment, two benches, and a 12-foot by 17-foot triangle sail to shade the play area. Conditions have been included herein requiring the applicant to dimension the crosswalks on the DSP, provide the maximum signage area permitted for this property (378 square feet), provide site details for the benches, install a picnic table, and demonstrate that the required American Society for Testing and Materials fall zones and appropriate surface material depth are met on the DSP. No other changes are provided to the existing site improvements.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** This DSP has been reviewed for compliance with the requirements of the Commercial Shopping Center (C-S-C) Zone of the prior Zoning Ordinance.

   a. The subject application complies with the applicable requirements of the prior Zoning Ordinance, including the requirements in Section 27-454 for the C-S-C Zone. A day care center for children is a permitted use under Section 27-461(b), Table of Uses, of the prior Zoning Ordinance. In addition, a day care center for children must meet the additional requirements of Section 27-464.02. The additional requirements are analyzed as follows:

      (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 maximum enrollment of the day care center is 20 children, and the required play area for the licensed capacity is 750 square feet. The total number of children that are permitted to use the play area at one time is 10, which would have the same minimum 750-square-foot area requirement. The outdoor play area on the DSP measures 812 square feet and conforms with this requirement.

(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 subject outdoor play area is located on the same lot as the day care center and is 44 feet from the multifamily residential building to the east, on the adjoining RMF-20 zoned property. The applicant is enclosing the play area with a 6-foot-tall, board-on-board, wooden fence, in conformance with this requirement. The play area will be accessed through the rear door of the tenant unit or via a 6-foot-high by 5-foot-wide wooden gate.

(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 play area is set back approximately 17 feet from the nearest property line to the east and 44 feet from the nearest structure (a multifamily residential building). The applicant provides a 6-foot-tall, board-on-board, wooden fence to enclose the play area, which will sufficiently protect the health and safety of the children. The Planning Board finds that the 17-foot setback from the nearest property line and 6-foot-tall fence surrounding the play area are sufficient. A greater setback from the adjacent property or a higher fence is not required with this DSP. However, a condition has been included herein requiring the applicant to dimension the setback from the play area fence to the eastern property boundary.

(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 not located off-premises. However, in furtherance of the purposes of this requirement, the outdoor play area is fully enclosed by a 6-foot-tall, board-on-board, wooden fence only accessible through the rear door of the tenant unit or via a 6-foot-high by 5-foot-wide wooden gate.

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

A 12-foot by 17-foot shade structure is provided within the outdoor playground area, which will offer sufficient shade for the children playing during the warmer months of the year.

(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 site plan indicates that outdoor play is limited to daylight hours only and that existing lighting fixtures on the rear of the building will remain as the only illumination source.

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

A note on the DSP indicates that the hours of operation will be limited to the hours specified by this requirement.

b. The DSP contains the information required by Section 27-464.02(a)(2) and is designed with the applicable site design guidelines, as required in Section 27-283 and contained in Section 27-274 of the prior Zoning Ordinance. Many of the design guidelines do not apply to the subject DSP, because the site improvements already exist; however, those that do apply to the minor changes with this DSP, are in accordance with the applicable guidelines. For example, the DSP application will include dedicated parking for the use that is consistent with the dimensional requirements of the prior Zoning Ordinance, minimize grading to the extent practicable, restore disturbed areas, and increase the connectivity of the site with crosswalks and a bicycle rack.

8. **Preliminary Plan of Subdivision 12-2779:** PPS 12-2779 was approved by the Planning Board on May 17, 1961. However, there are no records of this case available to evaluate. Pursuant to Section 24-111(c)(3) of prior Subdivision Regulations, resubdivision of the site is not required at this time because the property was platted prior to October 27, 1970, the existing development was built prior to January 1, 1990, and no additional gross floor area (GFA) is provided. Therefore, a new PPS is not required prior to approval of this subject DSP.

9. **2010 Prince George's County Landscape Manual:** The application is exempt from the 2010 *Prince George's County Landscape Manual* because it meets the requirements of Sections 1.1(d), and 1.1(g)(4). The site improvements provided by the subject application are limited to interior improvements, the application does not permit a change in use from a lower to a higher category, and the application does not increase the impervious surface or GFA of the building.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** This property has a valid Woodland Conservation Ordinance Letter of Exemption (S-050-2023) and a Natural Resources Inventory Equivalency Letter (NRI-040-2023) that were approved on March 30, 2023. Based upon the provided information and PGAtlas, there are no regulated environmental features (REF) or unsafe soils on the subject property.

11. **Prince George's County Tree Canopy Coverage Ordinance:** Section 25-128 of the Prince George's County Code requires a minimum percentage of tree canopy coverage (TCC) on projects that propose more than 5,000 square feet of disturbance or increase in GFA. The subject application permits 812 square feet of disturbance and will not increase the GFA of the building. Therefore, the application is exempt from TCC requirements, and a general note has been added to the plan.

12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are incorporated herein by reference, and summarized, as follows:

    a. **Historic Preservation—**The Planning Board has reviewed and adopts the memorandum dated August 17, 2023 (Smith & Chisholm to Shelly), which concluded that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any designated Prince George's County historic sites or resources.

    b. **Community Planning—**The Planning Board has reviewed and adopts the memorandum dated July 27, 2023 (Klein to Shelly), which concluded that, pursuant to Part 3, Division 9, Subdivision 3, of the prior Zoning Ordinance, master plan conformance is not required for this application.

c. **Transportation Planning—**The Planning Board has reviewed and adopts the memorandum dated September 6, 2023 (Ryan to Shelly), which concluded that the plan is acceptable and meets the findings required for a DSP, as described in the prior Zoning Ordinance.

d. **Subdivision—**The Planning Board has reviewed and adopts the memorandum dated August 23, 2023 (Diaz-Campbell to Shelly), which concluded that, based on the provided development, a new PPS and final plat are not required at this time.

e. **Permits—**The Planning Board has reviewed and adopts the memorandum dated August 2, 2023 (Shaffer to Shelly), which concluded that the plan was acceptable, with technical corrections which were either addressed prior to completion of this resolution or included as conditions of approval.

f. **Environmental Planning—**The Planning Board has reviewed and adopts the memorandum dated July 21, 2023 (Kirchhof to Shelly), which concluded that a Woodland Conservation Ordinance Letter of Exemption (S-050-2023) and a Natural Resources Inventory Equivalency Letter (NRI-040-2023) were approved on March 30, 2023, and submitted with this application. Based upon the provided information and PGAtlas, there are no REF or unsafe soils. This site has an approved SWM Plan and associated letter (10365-2023-00), which was approved on March 24, 2023, and expires March 24, 2026.

g. **Prince George's County Department of Parks and Recreation (DPR)—**At the time of the writing of this resolution, the Planning Department had not received any written correspondence from DPR regarding this subject application.

h. **Prince George's County Health Department—**The Planning Board has reviewed and adopts the memorandum dated July 5, 2023 (Adepoju to Shelly), which concluded that a desktop health impact assessment had been completed and offered multiple recommendations, with respect to health-related issues on the property. These recommendations have been included as conditions of approval in this resolution, as appropriate.

i. **Prince George's County Fire/EMS Department—**At the time of the writing of this resolution, the Planning Department had not received any written correspondence from the Fire/EMS Department regarding this subject application.

j. **Washington Suburban Sanitary Commission (WSSC)—**At the time of the writing of this resolution, the Planning Department had not received any written correspondence from WSSC regarding this subject application.

k. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)—**At the time of the writing of this resolution, the Planning Department had not received any written correspondence from DPIE regarding this subject application.

l. **City of Capitol Heights—**At the time of the writing of this resolution, the Planning Department had not received any written correspondence from the City of Capitol Heights regarding this subject application.

m. **City of District Heights—**At the time of the writing of this resolution, the Planning Department had not received any written correspondence from the City of District Heights regarding this subject application.

13. **Community Feedback:** At the time of the writing of this resolution, the Planning Department had not received any written correspondence from the community regarding this subject application.

14. As required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP (if revised as conditioned) represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code, without requiring unreasonable costs and without detracting substantially from the utility of the development, for its intended use.

15. Section 27-285(b)(2) of the Zoning Ordinance does not apply to this DSP because the subject property is not subject to a conceptual site plan.

16. Section 27-285(b)(3) of the Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.

17. As required by Section 27-285(b)(4), for approval of a DSP, the REF on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Section 24-130(b)(5) of the Subdivision Regulations, as this DSP does not permit any change to the established limits of disturbance and does not result in any impacts to REF.

18. **Planning Board Hearing:** On October 5, 2023, the Planning Board held a public hearing for DSP-22025, Future Stars Early Learning Center. The public hearing began with a technical staff presentation, followed by an applicant presentation. The applicant and staff were in agreement on all conditions of approval, including an additional proffered condition, Condition 1h. Condition 1h states that the applicant will provide revised play equipment, including Americans with Disabilities Act accessible play equipment within the open play area on the DSP, subject to the review of the Urban Design Section. Condition 1h and several other applicant exhibits were provided to the Planning Board prior to the October 5, 2023 meeting, to demonstrate conformance with the staff recommended conditions of approval.

During the Planning Board hearing, the Board expressed concern for child safety within the parking lot of the existing shopping center and a lack of proposed signage. The applicant proffered a condition to provide additional signage to increase child safety, subject to the review of the Urban Design and Transportation Planning Sections and the property owner's permission. The applicant agreed to the requested proffer and the condition has been included herein, as Condition 1i.

Following this discussion, the Planning Board voted to approve DSP-22025, subject to conditions, which included two new conditions, Conditions 1h and 1i.

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 Detailed Site Plan DSP-22025 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:

    a. Add the following general notes on the DSP:

        (1) "During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code."

        (2) "During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control."

    b. Dimension the crosswalks on the DSP.

    c. Dimension the setback from the play area fence to the eastern property line on the DSP.

    d. Provide the maximum signage area permitted for this property (378 square feet) on the signage schedule.

    e. Provide site details for the benches.

    f. Install a picnic table in the open play area on the DSP.

    g. Demonstrate that the required American Society for Testing and Materials fall zones and appropriate surface material depth are met on the DSP.

    h. Provide revised play equipment, including Americans with Disabilities Act play equipment, in the open play area on the DSP, subject to the review of the Urban Design Section.

    i. Provide additional signage to increase pedestrian safety, subject to the review of the Urban Design and Transportation Planning Sections and property owner's permission.

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, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, October 5, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of October 2023.

Peter A. Shapiro
Chairman

By Jessica Jones
Planning Board Administrator

PAS:JJ:AS:rpg

Approved for Legal Sufficiency
M-NCPPC Office of General Counsel
Dated 10/6/23

Laura Tallerico
Approved for Legal Sufficiency
M-NCPPC Office of General Counsel