

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 October 23, 2008 regarding Detailed Site Plan DSP-07068 for Heritage Square, Goddard School, the Planning Board finds:

1. **Request:** The detailed site plan application is a request for approval of an 8,656-square-foot day care center on 1.14 acres in the C-O Zone with a maximum enrollment of 141 children.
2. **Location and Surroundings:** The subject property is located on the north side of Old Annapolis Road (MD 450B), directly across from its intersection with Woodcliff Road within the City of Bowie. The triangular-shaped property fronts on Old Annapolis Road to the south and is immediately adjacent to an existing CSX railroad right-of-way to the east. To the north of the property is parkland with no active use, owned by the City of Bowie.
3. **Previous Approvals:** Record plat NLP 150@21 was recorded on January 24, 1980 for Heritage Square, Parcel A, the subject property.

The Prince George's County Board of Zoning Appeals approved Appeal 7918 on March 18, 1986 to allow construction of a 45-foot-high, three-story office building. The Board granted a variance of 30 feet from the building setback requirement from the rear lot line and a variance of 10 feet of landscaping along the rear lot line in order to construct the proposed 19,500-square-foot building. That approval expired after a two-year period pursuant to Section 27-233(a) of the Zoning Ordinance because construction of the office building never ensued.

The site also has received stormwater management concept plan approval from the City of Bowie's Department of Public Works (Approval 01-0208-208NE12), which is valid until February 28, 2011.

4. **Development Data Summary**

	EXISTING	PROPOSED
Zone	C-O	C-O
Use	Vacant	Day Care Center
Acreage	1.14	1.14
Parcels	1	1
Square Footage	0	8,656
Enrollment Proposed	0	141

Parking Required	
141 children @ one space per 8 children	18 spaces
Up to 25 total required spaces	1 handicap space
Parking Provided:	31 standard spaces
	2 van accessible handicap spaces
Total:	33 spaces
Minimum Outdoor Play Area Required per Section 27-464.02 of the Zoning Ordinance	
141 children x .5 x 75 square feet	5,288 square feet (for 50% of the enrollment)
Enclosed Play Area Provided:	7,749 square feet

5. **Design Features:** The subject site plan proposes the construction of a one-story, 8,656-square-foot building, which will be used as a day care center for 141 children, ages six weeks to five years. The application has been filed on behalf of The Goddard School, a national early childhood development franchise. The building is proposed to be sited in the eastern portion of the property and will be served by an on-site parking facility to the west. A single access point is proposed on Old Annapolis Road (MD 450B), directly across from Woodcliff Road. A 7,749-square-foot play area is proposed on the eastern edge of the building and will include two 10-foot diameter fabric-covered shade structures. A substantial retaining wall, ranging in height from 6.8 to 16.8 feet, is proposed to be constructed around the northern, southern, and eastern property lines of the site. An approximately 30-foot-wide strip of existing woodland is proposed to be preserved at the base of the retaining wall between the play area and eastern property line, which is adjacent to an existing CSX railroad right-of-way and tracks.

The proposed building is a one-story structure. The walls are finished with brick from grade to roof-line and feature regularly-spaced windows and doors along all sides, surmounted by stone lintels. The main entrance to the building faces west onto the proposed parking lot and is shaded by a canopy, flanked by columns. The north and south sides of the roof each feature two gabled dormer windows. The top of the roof and the canopy above the main entrance feature decorative roof railings, mimicking the appearance of a widow's walk.

The proposed play area is enclosed by a six-foot-high vinyl fence that runs along the top of the retaining wall. This fence will serve as an enclosure and safety barrier for the children occupying the play area. The proposed fence is designed in a picket fence style with small gaps between the fence slats.

6. **Conformance to Record Plat NLP 150@21:** In a memorandum dated March 24, 2008, the Subdivision Section indicated that the property is the subject of record plat NLP 150@21 and that there is a slight discrepancy between the bearings and distances shown on the detailed site plan and the record plat. According to the applicant's statement of justification, recent rebuilding of the railroad bridge and taking of land from the subject property by the Maryland State Highway Administration (SHA) resulted in a slightly smaller total square footage for the subject site.

The Subdivision reviewer further indicated that the single plat note may impact the review of the DSP and/or variance. That note reads as follows:

Health Department approval of this plat is based on plans dated 12-11-79 in file number 237-79-N. Only a disposal system sized and located as shown on these plans may be installed without additional percolation testing. A 10,000 square foot portion of this parcel as shown on the above referenced plans must remain undisturbed for underground sewage disposal purposes. Detailed information on other sewage disposal limitations applicable to this parcel may be obtained from the Prince George's County Health Department, Directorate of Environmental Health. The percolation tests shall remain satisfactory unless the recovery area is disturbed by filling or excavation.

The applicant is not proposing to utilize a septic system because they are connecting to public water and sewer services. The plat note is not applicable to this application because a sewage disposal system will not be needed.

7. **Conformance to the applicable sections of the Zoning Ordinance:** The detailed site plan is in conformance with Sections 27-453, C-O Zone, and 27-461, Uses Permitted. The proposed day care center is a permitted use in the C-O Zone. The detailed site plan is in conformance with Section 27-462, Regulations, with the exception of Section 27-462(b) (Table I), which requires a 25-foot rear yard setback. Although the proposed building meets this requirement, Section 27-447(a) stipulates that any wall or fence measuring more than six feet in height must meet the setback requirements for main buildings. The plans show a retaining wall with a height in excess of six feet, set back approximately five feet from the rear northern property line. As a result, the applicant is requesting a rear yard setback variance from Section 27-462(b) and Section 27-447(a) to allow the construction of this wall in its proposed location.

Per Section 27-230(a) of the Zoning Ordinance, a variance may only be granted when the Board finds that:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The applicant has provided the following statement of justification in response to this requirement:

“The subject property’s irregular shape and juxtaposition in relation to surrounding land uses pose substantial constraints on potential development. The site is defined and constrained by its unique elongated triangular shape that requires the development envelope to shift toward the rear and east property lines because of increasingly shallow lot depth toward the west. Also, the east portion of the site is tapered and becomes shallower along Annapolis Road toward the northeast and railroad tracks beginning at a point near the curve of the road. In fact the subject property is the only uniquely elongated triangular shaped parcel in the West Bowie Village activity center as can be observed from the lot patterns and shapes shown on the master plan’s West Bowie Village Land Use map. Steep slopes caused by the below grade location of the adjacent railroad tracks creates an extraordinary obstacle or constraint to development on the east side of the subject property. The bottom of the railroad track ballast is approximately 37 feet east from the northeast corner of the subject property and 50 feet from the southeast corner. The slopes approach 2:1 off the southeast corner of the subject property and are as much as 22 feet below the subject property’s proposed grade. Thus, the constricting triangular shaped lot, its increasingly shallow frontage along Annapolis Road and the location adjacent to below grade railroad tracks and steep slopes associated with the tracks and the parkland to the northeast severely limits development potential.”

The shape and topography of the site are substantial development constraints.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or the exceptional or undue hardship upon, the owner of the property; and**

The applicant has provided the following justification in response to this requirement:

“Not allowing the minimum requested variance to the rear yard setback for the building and retaining wall, including retaining walls greater than six (6) feet in height, will create peculiar and unusual practical difficulties for the applicant which would result in exceptional and undue hardship. Without the variances, the ability of the property to accommodate a day care center and support the mixed-use vision of the master plan will be lost.

“The site plan revisions and Alternative Compliance approval has allowed relocation of the building to eliminate the need for a building setback variance from the rear yard and eliminate the need for a departure from the side bufferyard requirements of the Landscape Manual. Additionally, the ability to realize the optimum relationship between a capacity of 141 children and a properly sized building and play area will be diminished if the building size is reduced. This diminishment will thereby impose a practical difficulty and undue hardship on the applicant and children as a less than optimum program and facility would result that would not conform to the Goddard School franchise standards.

“With site conditions and regulations essentially unchanged from the time previous

variances were approved, the applicant purchased the property with the expectation that a significantly smaller building could be accommodated on the site. It was not until the site engineering was complete that the need for the requested minimum variance and need for Alternative Compliance was recognized. Therefore, denial of the requested retaining wall setback variance from the rear property line of 20 feet will require a reduction in the size of the proposed building and will result in creating an exceptional and undue hardship solely for the purpose of meeting the strict application of the Zoning Ordinance. A reduction in the height of the retaining walls would significantly affect the amount and cost of site grading needed and result in less usable play area causing the applicant to reduce the size of the facility and thereby endure an unreasonable hardship.”

The strict application of the subtitle would require the applicant to either greatly reduce the height of the retaining wall to make it less than six feet tall (and therefore not subject to the setback requirement), or to move the retaining wall further from the northern property line. The first option is not feasible because the height of the wall is mostly determined by the steep grades present on the site. The second option would result in a greatly reduced buildable area on the site, compressing any buildings or development into an awkwardly shaped area.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

The applicant has provided the following justification in response to this requirement:

“Allowing the variances would not impair the intent, purpose, or integrity of the 2002 General Plan or the 2006 Bowie and Vicinity Master Plan, In fact, the variances will allow development to occur that is supportive of General Plan and master plan goals. Some General Plan goals for the Developing Tier, among others, include developing compact and mixed-use centers, reinforcing existing suburban communities, and reinforcing planned commercial centers as community focal points. Because of the site’s limiting physical constraints, the proposed development has been compactly designed.

“The 2006 Bowie and Vicinity Master Plan recognizes the subject property as part of the designated West Bowie Village activity center, where the vision is to create a mixed-use activity center that includes institutional uses among commercial, office and residential uses. The subject property will provide a focal point identity to the east end of the designated village activity center when developed with the proposed day care center. Approval of the variances will allow the development to proceed and will not impair the intent or character of the master plan’s vision for the area because day care centers are an institutional use as encouraged by the master plan.

“The applicant has submitted a Detailed Site Plan (DSP) in accordance with Section 27-462.02 which permits day care centers in the C-O Zone provided the requirements of this section are followed. This DSP and an associated request filed for Alternative Compliance to landscaping requirements will ensure that the property is properly

buffered and developed in a way that efficiently utilizes the site relative to its many unique and constraining physical features. Being in conformance with the General Plan and master plan, the applicant, therefore respectfully requests approval of the variances to allow development to proceed.”

Granting the variance will not impair the intent, purpose, or integrity of the General Plan or Master Plan. If the variance is not granted, development on the site will be very difficult.

The detailed site plan is in conformance with Section 47-464.02, Additional findings for a day care center for children 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;**

According to this requirement, a 5,288-square-foot play area is required for 141 children. A 7,749-square-foot play area is proposed for use by 141 children, which is more than adequate for 50 percent of the proposed enrollment.

- (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 play area is not located within 25 feet of any dwelling on any adjoining lot, and is proposed to be fenced with a six-foot-high fence atop the retaining wall.

- (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 a minimum of 30 feet from the property line adjacent to the CSX railroad tracks and is separated from the tracks by a substantial retaining wall (6.8 to 16.8 feet in height) and a six-foot-high fence. The height of the fence is appropriate, considering the safety issue associated with the retaining wall system. Existing woodland is proposed to be retained in this area to further buffer the play area from the railroad tracks.

- (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 play area is not located off-site.

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

The plans propose the installation of two 20-foot diameter by 10-foot-high fabric-covered shade structures within the play area, which will be supplemented by the shade cast by the building to the west and the existing mature woods, some exceeding 60 feet in height, on the adjoining property to the east.

- (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**

Lighting is not proposed because the play area will not be used after daylight hours.

- (vii) **Outdoor play shall be limited to the hours between 7 a.m. and 9 p.m.**

Although the applicant's statement of justification indicates that outdoor play time will be restricted to the hours between 7:00 a.m. and 6:00 p.m., this must be indicated on the plans. Since the day is short in winter, an additional note indicating that the outdoor play area will be closed after daylight hours should also be included on the detailed site plan. A condition has been incorporated in the recommendation section, which would require the addition of this information prior to certification of the plans.

(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.**

This application constitutes a request for approval of a detailed site plan.

- (B) **In addition to the submittal requirements of Part 3, Division 9, the Detailed Site Plan shall show:**

- (i) **The proposed enrollment;**

The proposed enrollment has been indicated on the plans as 141 children.

(ii) The location and use of all buildings on adjoining lots;

This information has been provided on the plans.

(iii) The location and size of outdoor play or activity areas; and

The location and size of the proposed outdoor play area has been shown on the plans and has been determined to be adequate.

(iv) The location, quantity, and type of screening and landscaping.

Adequate measures have been taken to insure that the day care facility and outdoor play area are screened from adjacent uses. See finding 8 for a discussion of the detailed site plan's conformance with the *Prince George's County Landscape Manual*.

(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.

The proposed total enrollment number is 141 for children between six weeks and five years of age.

8. ***Prince George's County Landscape Manual:*** The site is subject to Sections 4.2(a), 4.3(a), 4.3(b), 4.3(c) and 4.7 of the *Prince George's County Landscape Manual*. The detailed site plan demonstrates conformance with all sections, with the exception of Section 4.7 for which a recommendation of approval of a request for alternative compliance has been issued by the Planning Director. The Planning Director's recommendation is as follows:

BACKGROUND:

The subject property, referred to as Heritage Square, is located on the north side of Old Annapolis Road, across from its intersection with Woodcliff Road and west of MD 197, in Bowie. The site, a long triangular-shaped parcel tapering to a sharp point to the west is zoned C-O (Commercial Office). The property is currently undeveloped; however, a daycare for up to 141 children is proposed for the site. A daycare is considered a low-impact use per Section 4.7, Buffering Incompatible Uses, of the *Prince George's County Landscape Manual*. The eastern property line abuts a railroad right-of-way, which is considered a high-impact use. A type "C" bufferyard is required.

REQUIRED: 4.7 Buffering Incompatible Uses: Eastern property line/Railroad

right-of-way

Length of bufferyard	109 feet
Building setback	40 feet
Landscape yard	30 feet
Fence or wall	No
Plant units (120 per 100 l. f.)	131

PROVIDED: 4.7 Buffering Incompatible Uses

Length of bufferyard	109 feet
Building setback	78 feet
Landscape yard	30 feet
Fence or wall	Yes
Plant units	Existing Woodlands and 49 Virginia Creeper vines

JUSTIFICATION OF RECOMMENDATION:

The site plan proposes a parking facility, daycare center building and play area on an irregularly shaped property with moderate to steep slopes. The proposed retaining wall varies in height from 8–20 feet above the base of the wall. The proposed retaining wall does not meet the required 40-foot building setback; however, due to the shape and topography of the lot, it would not be feasible to set the retaining wall back to the required 40 feet. The Alternative Compliance Committee believes that a combination of maintaining a 30-foot setback for the proposed retaining wall, keeping existing woodlands and planting Virginia Creeper vines at the base of the wall is equal to or better than what is required by Section 4.7 of the *Prince George's County Landscape Manual*.

RECOMMENDATION:

The Alternative Compliance Committee recommends Approval of Alternative Compliance pursuant to Section 4.7 of the *Prince George's County Landscape Manual* to allow the retaining wall to be set back only 30 feet from the property line.

9. **Woodland Conservation Ordinance:** In a memorandum dated June 4, 2008, the Environmental Planning Section provided the following analysis of the site's conformance with the Woodland Conservation Ordinance:

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. A Type II tree conservation plan (TCPII) has been submitted and reviewed.

According to the current TCPII worksheet, existing woodland on the site totals 0.93 acre. The site has a woodland conservation threshold of 0.17 acre, or 15 percent of the net

tract, and a woodland conservation requirement of 0.36 acre. The TCPII proposes to meet the requirement with 0.18 acre of on-site preservation, and 0.18 acre of fee-in-lieu.

When a site is within the green infrastructure network it is recommended that the site's threshold be met on-site to the extent possible. With regard to this site, some consideration should be given to the severe slopes on the east side of the site and its adjacency to the CSX railroad tracks. The TCPII proposes to preserve 0.18 acre of woodland in this area; however, the legend identifies the woodland preservation symbol in this area as "preservation area not counted." The legend needs to be revised to show it as "woodland preservation."

10. **Referrals:**

- a. **Environmental Planning Section:** In a memorandum dated June 4, 2008, the Environmental Planning Section offered the following additional analysis of the subject application:

Background

The Environmental Planning Section has no previous records for this site. The proposal is for the creation of an 8,656-square-foot day care center in the C-O Zone.

Site Description

This 1.15-acre site in the C-O Zone is located on the north side of Old Annapolis Road (MD 450B) at its intersection with Woodcliff Road. The east side of the site is adjacent to the CSX railroad tracks, which is a potential noise and vibration nuisance. Based on 2000 aerial photos, the site is approximately 90 percent wooded. A review of available information indicates there are streams, wetlands, or 100-year floodplain on the site. However, the site does contain a small area of severe slopes (slopes 25 percent and greater) on the far east portion. According to the *Prince George's County Soil Survey*, the soils on the site are in the Collington soil series. Marlboro clays are not associated with this site. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, rare, threatened or endangered species do not occur on or within the vicinity of this property. According to the *Approved Countywide Green Infrastructure Plan*, the site is within a network gap. The property is in Collington Branch watershed of the Patuxent River basin, the Bowie and vicinity planning area and the Developing Tier of the adopted General Plan.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

A detailed forest stand delineation (FSD) was submitted with the application. The FSD was found to address the criteria for a FSD in accordance with the Prince George's County Woodland Conservation and Tree Preservation technical manual.

No additional information is required with respect to the forest stand delineation.

The site is located directly adjacent to the CSX railroad tracks. Although noise mitigation is generally not required for residential uses, special consideration is given to a day care center, which will be occupied by children for a significant time during the day.

The TCP shows the outdoor activity area to be along the east property boundary, adjacent to the railroad right-of-way. The site is approximately 60 feet from the centerline of the railroad tracks, and at a grade of 20 feet higher than the tracks. It is also important to note there are existing woodlands within the right-of-way that separate the property from the tracks. These woodlands are expected to remain and serve as a visual buffer.

A cross section of the area adjacent to the tracks was provided with the DSP. According to the exhibit, the 20-foot difference in grade will significantly impede much of the railroad generated noise. In addition, the TCPII proposes to construct a concrete retaining wall along the northeast, east, and southeast property lines of the site to flatten the site. Also proposed is a six-foot-high solid security fence that will serve to shield noise impacts from the railroad tracks. According to the TCPII and detailed site plan, the security fence will span the entire length of the retaining wall. It appears that the proposed design will function to mitigate noise to below state standards. However, a written statement from a noise engineer should be submitted to verify that the proposed design will adequately mitigate outdoor noise to 65 dBA Ldn or less in the outdoor activity area.

Because the security fence will also serve as a noise barrier, the detail provided on the DSP and TCPII should be revised to say, "Vinyl Privacy/Noise Barrier."

- b. **Permit Review Section:** In a memorandum dated March 10, 2008, the Permit Review Section indicated that several revisions were needed to the plans.

The Permit Review Section's comments have either been addressed through revisions to the plans or have been as conditions.

- c. **Transportation Planning Section:** In a memorandum dated March 6, 2008, the Transportation Planning Section indicated that there are no transportation-related conditions applicable to this plan, the site is not within or adjacent to any master plan roadways and the access shown on the plans is acceptable. The transportation planner did, however, indicate that although dedication of 80 feet exists along Old Annapolis Road, it should be treated as a primary road, not a collector road and the label "Maryland Route No. 450" should be removed from the plans as MD 450 has been relocated to another roadway.

The State Highway Administration has indicated that Old Annapolis Road is now designated as

MD 450B.

- d. **Subdivision Section:** In a memorandum dated March 24, 2008, the Subdivision Section provided an analysis of the site plan's conformance with record plat NLP 150@21. See Finding 6 above for a detailed discussion.
- e. **Community Planning North Division:** In a memorandum dated March 18, 2008, the Community Planning North Division found that the plan is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier, and conforms to the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* recommendation. The memorandum also noted that the master plan recommended the following strategies for the West Bowie area:

Encourage the highest quality of urban design through the application of design recommendations that:

- a. **Create a consistent build-to line along old MD 450 and future internal streets to frame the street and provide a pedestrian-friendly environment.**

There is no established build-to line along Old Annapolis Road (MD 450B). Because the road curves around an angle in the vicinity of this property, the building is not exactly parallel to the road, and the front building setback varies from approximately 20 feet to approximately 35 feet. Because of the angle in the road and the slopes on the site, it would not be practical to bring the building closer to the road.

- b. **Provide streetscape amenities such as wide sidewalks, accent materials, pedestrian-scaled lighting fixtures, street furnishings (benches, trash receptacles, bike racks) and attractive landscaping to encourage pedestrianism.**

Currently the streetscape along the property's frontage does not feature any of these amenities. The City of Bowie and the trails coordinator have recommended that the applicant should provide wide sidewalks along the frontage. The applicant has objected to this recommendation due to the lack of sidewalks along the northern side of the road on adjacent properties, and due to the cost of constructing the sidewalks given the utility lines running through the right-of-way. Additional streetscape amenities such as lighting fixtures and street furnishings do not seem warranted at this time.

- c. **Use high-quality, durable and attractive and materials and appropriate pedestrian scaled architectural detailing in the design of all buildings.**

The building is designed with appropriate pedestrian-scaled detailing and materials.

d. Ensure buildings are appropriately sized for the site, Conform to the proposed land use density.

The building is appropriately sized for the site, and conforms to the proposed land use density.

- f. **Trails:** In a memorandum dated September 25, 2008, the Transportation Planning Section's trails planner provided the following analysis of the detailed site plan's conformance with the adopted and approved Bowie and vicinity master plan:

The adopted and approved Bowie and vicinity master plan recommends a sidepath or wide sidewalk along Old Annapolis Road (MD 450B), as indicated on the plan map. The plan text further refines this recommendation by including the following strategy under Policy 2:

Policy 2 Develop trails and/or wide sidewalks and designated bike lanes along old MD 450 from Bowie Main Street to West Bowie Village. This will provide safe and convenient pedestrian access to West Bowie Village from Bowie Main Street (Master Plan, page 52).

The segment of Old Annapolis Road (MD 450B), between MD 197 and (realigned) MD 450, has been abandoned and converted into a hiker/biker trail. Proposed bicycle and pedestrian improvements along MD 450 will connect to this existing trail, and connect West Bowie Village with the existing shopping centers along MD 450, as well as the high school, pool, tennis club, community recreation center, and several area churches.

MD 450 has been realigned and improved to the north of the subject site to include an eight-foot-wide asphalt path and wide outside curb lanes for on-road bicyclists. This trail now extends along MD 450 from Race Track Road in Bowie to Seabrook Road and serves as a regional trail facility.

A five-foot-wide sidewalk is included on the submitted plans along the entire perimeter of the proposed building.

As the road is within the City of Bowie, the City will determine if striping for designated bike lanes will be implemented along this road.

- f. **The City of Bowie:** In a letter dated August 5, 2008, addressed to Chairman Parker of the Prince George's County Planning Board, the City of Bowie indicated that the City Council voted unanimously to recommend approval of DSP-07068, subject to conditions, at its public hearing held on August 4, 2008. The following conditions were included in the City's approval.

“1. The flat roof area shall be light reflective and energy sensitive.”

In accordance with the Leadership in Energy and Environmental Design Sustainable Sites design checklist, the flat portions of the roof should demonstrate a solar reflectance index of at least .78. This is the standard minimum prescribed for flat or nearly flat roofs to qualify for green building points for new construction.

- “2. More native shrubs shall be introduced to the plan such that 50 percent of the shrubs are non-invasive, native or native hybrid.
3. A note shall be added to the site plan that all lighting shall have timing devices to be more energy efficient.
4. A photometric plan of the site shall be submitted showing that there is no off-site light spillover.
5. Full cut-off, fully-shielded lights with timing devices shall be mounted on the top of any sign.
6. The applicant shall provide frontage improvements along Old Annapolis Road including sidewalks.
7. The dumpster shall be designed to match the proposed building such that the concrete block wall is faced with brick at least along the side facing Old Annapolis Road.”

The dumpster enclosure should be finished with brick on all sides.

- “8. The dumpster gates shall be made of natural materials and the walls and gates shall be six feet high.
9. Acceleration/deceleration lanes shall be provided along Old Annapolis Road subject to Maryland State Highway Administration review and approval.”

The requirement for an acceleration/deceleration lane was originally associated with an annexation agreement by which the property was incorporated into the City of Bowie in 1986. The applicant has submitted a traffic study prepared by Lenhart Traffic Consulting, Inc. to demonstrate that the acceleration/deceleration lane will not be necessary on the site. Traffic along this segment of Old Annapolis Road has greatly decreased since MD 450 was rerouted to the new alignment of Annapolis Road. The lane may be provided if deemed required by SHA at the time of access permit, but it would not be appropriate as a condition of approval.

g. **The Department of Public Works and Transportation:** In a memorandum dated July 15, 2008, the Department of Public Works and Transportation (DPW&T) indicated that the project does not impact any county-maintained roadways and that the applicant should coordinate with SHA regarding site access, CSX regarding proximity to their right-of-way and the City of Bowie regarding stormwater management.

h. **The State Highway Administration:** In a memorandum dated March 21, 2008, SHA offered the following comments:

The subject property is located on the north side of MD 450B (Old Annapolis Road), opposite Woodcliff Road. Our highway location reference identifies MD 450B as a State-owned and -maintained two-lane undivided collector road. The annual average daily trip (AADT) volume along MD 450B at this location is 24,083 vehicles.

Access is proposed via a 35-foot-wide entrance directly opposite Woodcliff Road on MD 450B; therefore, coordination with SHA consistent with the Access Permit Guidelines is necessary to gain access to the site.

Any proposed entrance onto any public roadway system must be designed to ensure that proper sight lines are achieved for the design speed of the road. Given the current geometrics of MD 450B, it is important to keep this in mind. The applicant should be required to provide both intersection and stopping sight distance profiles that demonstrate adequate sight distance can be achieved.

Based upon the size, scope, and potential trip generation of this development, M-NCPPC may require that a traffic impact study or traffic data are necessary to provide an adequate measure of mitigation for the site.

The Transportation Planning Section's referral comments did not indicate that a traffic impact study or any additional traffic data would be required because the detailed site plan review process does not include a test for transportation adequacy.

The height and location of the proposed retaining wall located at the eastern end of the property could impact the sight lines. The applicant must submit sight line profiles to SHA for approval that demonstrate this is not the case.

SHA's requirements will be addressed through their separate access permitting process.

11. As required by Section 27-285(b) 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-07068, Alternative Compliance No. AC-08008/01, APPROVED the Type II Tree Conservation Plan (TCPII/020/08), and further approved Variance Application No. VD-07068 for the above-described land, subject to the following conditions:

1. Prior to certification, the following revisions to the detailed site plan shall be made:
 - a. Label the right-of-way and centerline of Old Annapolis Road, and re-label "Maryland Route 450" as "MD 450B."
 - b. Add a note to the plans indicating that use of the outdoor play area is limited to the hours between 7:00 a.m. and 6:00 p.m., and that outdoor play areas will not be used after daylight hours.
 - c. Add a note to the plans stating that no more than 50 percent of the enrollment may use the play area at one time.
 - d. Label the building dimensions and height on the plans.
 - e. The architectural plans shall demonstrate that the flat roof area of the building shall be constructed of light reflective and energy sensitive roofing materials with a minimum solar reflectance index of 0.78.
 - f. The shrubs proposed on the landscape plan shall be non-invasive. At least 50% of the shrubs shall be native or native hybrid species.
 - g. A note shall be added to the site plan indicating that all lighting shall have timing devices to be more energy efficient. A note shall be added to the site plan indicating that full cut-off, fully shielded lights with timing devices shall be used for any sign.
 - h. The dumpster enclosure shall be designed such that the concrete block wall is faced with brick to match the proposed building.
 - i. The dumpster gates shall be of natural-looking materials and the walls and gates shall be six feet high.
2. Prior to certification of the detailed site plan, the TCPII legend shall be revised to change "preservation area not counted" to "woodland preservation."
3. Prior to certificate approval, a photometric plan of the site shall be submitted showing that there is sufficient lighting on the site at a minimum of 1.25 footcandles and that there is no off-site light spillover.

4. Prior to certificate approval, a written statement from a certified noise engineer shall be submitted stating that the proposed mitigation design reduces outdoor noise to 65 dBA Ldn or less in the outdoor activity areas.

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.

* * * * *

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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns, Clark, Cavitt, and Parker voting in favor of the motion at its regular meeting held on Thursday, October 23, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of November 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator