

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 December 16, 2004, regarding Detailed Site Plan DSP-04055 for Red Robin Learning Center, the Planning Board finds:

1. Detailed Site Plan DSP-04055 was submitted in accordance with Section 27-464.02(a)(2), which requires a Detailed Site Plan for all day care centers in commercial zones. The subject property is zoned C-S-C (Commercial Shopping Center) in which a day care center for children is a permitted use according to Section 27-461 of the Zoning Ordinance.
2. The day care center is proposed within 4913 57th Avenue in Bladensburg. The existing Mattapony Manor Shopping Center is at the intersection of 57th Avenue and Emerson Street. The shopping center has a variety of retail uses. All surrounding properties are developed as residential multifamily.

The details of the proposal are as follows:

- Proposed enrollment: 22 children
- Parking required for day care centers: 1 per 8 children = 3 spaces
- Play area required for outdoor play area 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 = 1,650 square feet
- Area of play area provided: 1,820 square feet
- Hours of operation: 7:00 a.m. to 6:00 p.m. on weekdays
- Outdoor play hours allowed by Section 27-464.02: 7 a.m. to 9 p.m.

The proposed parking, square footage of the play area, and hours of outdoor play are consistent with the requirements of Section 27-464.02, day care center for children, of the Zoning Ordinance.

3. The day care center is in an interior unit within the shopping center. Access to the play area will be either from the front door or the rear fire door to the north side of the building where the play area is proposed. The play area is directly adjacent to the building and is proposed to be fenced by an existing six- to eight-foot-high fence and gate system as well as a proposed four-foot-high fence with gate at the rear of the play area. The play area is not within 25 feet of any adjacent residences. The current surface material is asphalt and the applicant has constructed a wood frame containing wood chips for a temporary play area. The size of this structure is approximately six by six, too small to meet the requirements for the play area. The staff recommends that the plans be revised to incorporate an interlocking resilient surface material or woodchips to a depth of six inches for approximately one-half of the required play area. The

remaining play area should be allowed to be asphalt to accommodate hard surface play with balls. Shade is sufficiently provided due to the play area being located on the north side of the building.

4. The staff conducted a site visit early in November. The tenant mix in the development includes a drugstore, a convenience store, a beauty parlor, and a carryout restaurant. The maintenance and condition of the overall site is not optimum. Drainage problems exist; the existing fencing is dilapidated and overall clean-up of the site is needed. The existing trash facilities on the site are not screened and the presence of rodent infestation was apparent during the site visit. The staff has notified the Health Department, Division of Food Protection, of the rodent infestation situation. In order to remedy the situation, the staff recommends that the trash dumpsters be relocated away from the proposed play area, yet convenient to the tenants, and that the dumpsters be screen with a six-foot-high, board-on-board fence with sight-tight gates. Measures to control rodent infestation should be taken under the guidance from the Department of Health.
5. The subject Detailed Site Plan will not significantly alter the existing conditions on the site. Three of the existing parking spaces will be utilized for the day care center. The shopping center requires a total of 45 parking spaces according to the Zoning Ordinance requirements. There will be 50+ parking spaces in the shopping center, all currently existing.
6. Since the proposal does not include the addition of gross floor area and the change in use is not from a lower to higher intensity, it is exempt from the requirements of the *Landscape Manual*, except for the requirement for the screening of the dumpsters on site.
7. The Permits Review Section (Hampton to Lareuse, October 18, 2004) has reviewed the plans and those issues raised by the permit review office that have not been addressed in the revised plans are included as conditions in the Recommendation section of this report.
8. The Environmental Planning Section (Metzger to Lareuse, October 13, 2004) has commented that the proposal is exempt from the requirements of the Woodland Conservation Manual because the site contains less than 10,000 square feet of woodland. The section also found that there are no significant environmental impacts due to the proposal.
10. The Department of Environmental Resources (De Guzman to Lareuse, October 25, 2004) advises the plan is consistent with approved stormwater concept # 31744-2004.
11. This application was sent to the Town of Bladensburg, but as of the writing of this report, no response has been received by this office.
12. If the conditions of approval are adopted, this Detailed Site Plan, DSP-04055 as required by Section 27-285(b) of the Zoning Ordinance, is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs 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-04055, subject to the following conditions:

1. Prior to certificate approval the plans shall be revised to show the following:
 - a. The outdoor play area shall be limited to daylight hours.
 - b. The proposed enrollment must be clearly provided.
 - c. The notes on the site plan must accurately demonstrate the play area provided consistently.
 - d. The parking spaces must be dimensioned at either 10 feet x 20 feet or 9 feet x 22.5 feet and drawn to scale.
 - e. Drive aisles must be dimensioned on the site plan (a minimum of 18 feet is required for all two-way drive aisles).
 - f. One van-accessible parking space dimensioned at 16 feet in width must be provided on the site plan.
 - g. The parking schedule must be revised to include the sizes and types of all parking spaces provided.
 - h. The parking schedule as well as all notes on the site plan must be legible.
 - i. Two loading spaces are required for the mini mart and the pharmacy and both spaces must be dimensioned on the site plan at 15 feet x 25 feet.
 - j. The height of the chain link fence and retaining wall along the east property line must be provided on the site plan.
 - k. The proposed four-foot-high fence shall be called out as chain link. A note stating that the gate shall be closed when the play area is being used. The gate shall only be open when the children are being taken in and out of the play area. It shall have a latch that is located at least four feet from finished grade in the play area and easily operated by adults.
 - l. Show the trash dumpsters located as far as possible away from the proposed play area, yet convenient to the tenants, and that the dumpsters be screened with a six-foot-high, board-on-board fence with sight-tight gates. Provide details and specifications of a six-foot-high, board-on-board fence with sight-tight gate to completely screen all dumpsters on site in accordance with Section 4.4 of the *Landscape Manual*.

- m. Approximately one-half of the play area shall provide a resilient surface of either interlocking pavers or six inches of wood chips.
 - n. The existing fencing shall be shown to be replaced or repaired.
2. Prior to certificate of occupancy for this day care center:
- a. Either the applicant or the owner of the shopping center shall submit evidence of measures taken to control rodent infestation approved by or in collaboration with the Prince George's County Department of Health.
 - b. All outdoor storage shall be removed from the rear of the building. Clean-up of the area at the rear of the building shall include removal of soil in asphalt areas and drainage problems shall be corrected.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Eley and Hewlett voting in favor of the motion, and with Commissioner Harley absent at its regular meeting held on Thursday, December 16, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of January 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator