PGCPB No. 06-02(A) File No. DSP-94038/02

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 January 5, 2006, regarding Detailed Site Plan DSP-94038/02 for Young Achievers, the Planning Board *[finds:] made certain findings; and

*WHEREAS, in consideration of evidence presented at a second hearing on June 15, 2006, held for the purpose of reconsidering Condition 2.d, the Planning Board modified Finding No. 9 below and, with that change, finds as follows:

1. **Request:** To increase the enrollment of an existing day care center from 50 to 70 children and add a free-standing classroom to the site.

2. **Development Data Summary**

	EXISTING	**PROPOSED**
Zone	C-S-C	C-S-C
Use(s)	Day Care	Day Care
Acreage	1.0958	1.0958
Lots	1	1
Building Square Footage/GFA	2,950	3,050

OTHER DEVELOPMENT DATA

	REQUIRED	**PROPOSED**
Total parking spaces	9	15

3. **Location:** The site is in Planning Area 69, Council District 5. More specifically, it is located on the south side of Annapolis Road between its intersection with Cooper Lane and 68th Avenue.

4. **Surroundings and Use:** The subject property is bounded to the northwest by Annapolis Road, MD 450; to the southwest by commercial retail (a pizza restaurant) and multifamily residential use, to the southeast by multifamily residential use and to the northeast by commercial retail use (a car wash and a plant nursery).

*Denotes Amendment
Underlining indicates new language
[Brackets} indicate deleted language

5. **Previous Approvals:** The property was the subject of Record Plat WWW 38@16. The property was also the subject of Detailed Site Plan DSP-94038 and Detailed Site Plan DSP-94038/01.

6. **Design Features**: The subject site is accessed from Annapolis Road by two 25-foot driveways with a landscaped island located centrally between the access points. The applicant is showing the planting of the required landscaped commercial strip along Annapolis Road including 2 shade trees and 20 shrubs. The entrance points lead into a parking lot providing seven spaces along a brick walk that leads up to the one-story 2,350-square-foot day care center and eight additional spaces opposite the brick walk along the southern property line for the site. This main building is centrally located on the site. The proposed new 700-square-foot modular classroom would sit parallel to the existing structure, 20 feet from the southwestern property line. Parking for the project is provided along the southern property line (9 spaces) and the northern side of the brick walk that leads up to the building (7 spaces). The play area for the day care would sit to the southwestern side and rear of the existing day care center. It is proposed to be completely surrounded by a six-foot wood fence, to have a two-inch seamless rubber surface and to have three oak trees planted within it. A one-story brick shed, currently located in the southern corner of the play area, will be removed as part of the subject project. The rear half of the site is entirely wooded. The applicant has indicated to staff that the modular classroom on the site will be removed at some point in the future when they plan to pursue an expansion of the existing building on the site.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the C-S-C Zone, the site plan design guidelines and the provisions regarding day care establishments of the Zoning Ordinance.

    a. The subject application is in conformance with the requirements of Section 27-461(b), which governs permitted uses in commercial zones. The proposed day care is a permitted use in the C-S-C Zone.

    b. The proposal is also in conformance with the requirements of Section 27-462, Regulations, regarding additional regulations for development in commercial zones.

    c. The proposed day care is in conformance with Section 27-464.02 regarding day care centers in commercial areas except that the correct size of the play area must be indicated in the general notes. Such deficiency has been remedied by inclusion of the recommended conditions below.

8. **Record Plat WWW 38@16:** Record Plat WWW 38@16 was recorded in the land records in 1960. The proposed project is in keeping with the requirements of the record plat and the proposed addition of 600 square feet of gross floor area does not trigger the need for a new preliminary plan of subdivision. However, the Subdivision Section has suggested that the general notes on the detailed site plan be revised to provide the tax map grid and record plat number. In addition, they noted that the discrepancy between the square footage shown on the record plat and the

detailed site plan should be resolved. Staff has included a recommended condition below to address these issues.

9. ***Landscape Manual:*** The proposed development is subject to the requirements of Section 4.2, Commercial and Industrial Landscaped Strip Requirements, and Section 4.7, Buffering Incompatible Uses.

The Urban Design staff reviewed the proposed revised site and landscape plan and found that the submittals are in partial compliance with the applicable sections of the *Landscape Manual.* Although compliance with Section 4.2 is demonstrated, compliance with Section 4.7 is not. *[A] At the time of the original Planning Board approval, recommended condition [below] (2d) was formulated in an attempt to ensure[s] compliance.

*However, in preparation for the June 15, 2006 reconsideration on the subject case, the Urban Design staff realized Condition 2(d) of the subject approval should have required an "A" rather than a "B" buffer pursuant to Section 4.7 of the *Landscape Maual* along the subject site's southwestern property line. As per the *Manual* , an "A" buffer is required between a use classified as low intensity (the day care) and one classified as medium intensity (the sit down restaurant).

10. **Woodland Conservation Ordinance:** As per comments issued by the Environmental Planning Section on October 7, 2005, the site is exempt from the requirements of the Woodland Conservation Ordinance. A standard letter of exemption from the ordinance, however, would be required prior to the issuance of the permit, noting that the woodland areas on site would not be disturbed.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Historic Preservation—In comments dated October 4, 2005, the Historic Preservation Section stated that the proposed project would have no effect on historic resources in the vicinity of the project.

Archeological Review—In a memorandum dated October 7, 2005, the Archeology Consultant stated that a Phase I (Identification) archeological survey is not recommended by the Planning Department on the above-referenced property. They noted, however, that state or federal agencies may require an archeological survey pursuant to Section 106.

[Brackets} indicate deleted language

Community Planning—In a memorandum dated October 12, 2005, the Community Planning Division stated that the proposed application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. They also stated that the proposed application conforms to the land use recommendations of the 1994 Bladensburg-New Carrollton and Vicinity Master Plan (Planning Area 69).

Transportation—In comments dated October 19, 2005, noting that MD 450 is an existing 125-foot right-of-way at the subject location, the Transportation Planning Section stated that the proposed site plan was acceptable from a transportation perspective.

Subdivision—In a memorandum dated October 11, 2005, the Subdivision Section stated:

> The property is known as Lot 7 Block E and is the subject of record plat WWW 38@16, recorded in land records in 1960. Based on the site plan submitted, the existing building has 2,350 square feet of gross floor area and the applicant is proposing an additional 700 square feet of gross floor area. Based on these square footages alone the development as proposed is not subject to a new preliminary plan of subdivision. However, it appears that the proposed "temporary trailer" addition to a day care center is not permitted pursuant to Section 27-161 of the Zoning Ordinance.

The general notes should be revised to provide the tax map grid, and record plat number. Staff would note that although the bearings and distances shown on the site plan are consistent with the record plat, the site plan contains 1,635 square feet less in site area.

> **Urban Design Comment:** Please note that in an email dated October 12, 2005, the Permit Review Section clarified that a trailer may be used if it receives a building permit and meets all the requirements for a permanent structure. The Subdivision Section's other concerns regarding additions to the general notes and inconsistency in the square footage of the site have been addressed in the recommended conditions below.

Trails—In a memorandum dated October 26, 2005, the senior trails planner stated that the adopted and approved Bladensburg-New Carrollton and Vicinity Master Plan designates MD 450 (Annapolis Road) as a master plan bicycle/pedestrian corridor. Further, he stated that MD 450 is currently a closed section roadway with fragmented sidewalks on its frontage and no designated bicycle facilities. In addition, while there is no sidewalk along the subject site's road frontage nor to the east, there is an existing sidewalk along MD 450 immediately to the west of the subject site. In conclusion, the senior trails planner stated that, due to the nature of the subject application and the small amount of road frontage of the subject site, he was not inclined to make trails recommendations at this time for the project's MD 450 frontage. Instead, he suggested that

pedestrian and bicycle accommodations along MD 450 should be addressed along the entire corridor through a State Highway Administration road improvement project. However, he said, that if road frontage improvements are required, the provision of a standard sidewalk is encouraged.

Permits—In a memorandum dated October 7, 2005, the Permit Review Section has offered numerous conditions that have either been addressed through revisions to the plans or in the recommended conditions below.

Environmental Planning—In comments dated October 6, 2005, the Environmental Planning Section stated that there are no environmental issues raised by the proposed project. They noted, however, that a standard letter of exemption would be required before the issuance of a permit for the project with no disturbance to the proposed woodland areas.

Department of Environmental Resources (DER)—In comments received by the Urban Design Section, DER stated that their office had no objections to the proposed project.

Prince George's County Fire Department—In a memorandum dated November 2, 2005, the Prince George's County Fire Department offered comment on access to the premises, private road design, fire lanes and the location and performance of fire hydrants.

Department of Public Works and Transportation (DPW&T)—In a memorandum dated November 3, 2005, DPW&T stated that because of its location on Annapolis Road (MD 450) the property is primarily in the jurisdiction of the Maryland State Highway Administration. They mentioned, however, that a trail and pedestrian bikeway system along the frontage of the subject parcel is shown on the county's comprehensive plan. Further, they stated that either right-of-way dedication or a fee-in-lieu payment for future construction would be needed for a bike trail along the site frontage.

> **Urban Design Comment:** Since the Maryland State Highway Administration has stated that they have no objection to the approval of the detailed site plan and since the senior trails planner did not suggest the inclusion of a trail and only standard sidewalk if frontage improvements to MD 450 are required, staff has not included a condition requiring either right-of-way dedication or a fee-in-lieu payment in the recommended conditions below.

Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated October 4, 2005, the WSSC stated that water and sewer is available to the site, that existing WSSC facilities are located on the site, that submission must be made to the WSSC through its Development Services Center and that the applicant must apply for a plumbing permit if they are planning to add plumbing fixtures to the additional classroom on the subject site.

Maryland Department of Human Resources —At the time of this writing, staff has not received comment from the Maryland Department of Human Resources.

Maryland State Highway Administration (SHA)—In a letter dated October 12, 2005, SHA

stated that they have no objection to the approval of Detailed Site Plan DSP-94038/02.

Cheverly—In a telephone conversation with Urban Design staff, David Warrington, Town Administrator for the Town of Cheverly verbally stated that due to the project's location, they would not be offering comment on the proposed project.

Landover Hills—In a fax dated December 20, 2005, the Town of Landover Hills stated that they approved of the expansion of Young Achievers Day Care but requested that every effort be made to soften the appearance of the modular classroom, preferably through increased plantings.

Bladensburg—At the time of this writing, the Town of Bladensburg has not offered comment on the proposed project.

12. 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-94038/02, subject to the following conditions:

1. Prior to issuance of any building permits for the project, the applicant shall submit a standard letter of exemption from the requirements of the Prince George's County Woodland Conservation Ordinance, reflecting that the proposed project will not disturb woodland areas on site.

2. Prior to signature approval of the proposed detailed site plan, the following revisions shall be made to the plans or required items shall be submitted:

    a. The height and type of all fences, as well as the width of all gates, shall be clearly indicated on the site plan.

    b. The inconsistency between the square footage indicated on the site plan and the square footage of the lot as recorded on plat WWW 38@16 shall be rectified.

    c. The square footage of the play area shall be reduced by the square footage that is being taken up by the new classroom on the site and the general notes revised to reflect the appropriate square feet of play area provided.

    d. The applicant shall indicate a Type *["B"]*"A" bufferyard along that portion of the property's southwestern property line shared with the parcel used as a restaurant.

    e. The one-story brick shed in the southern corner of the play area shall be indicated "to be

removed."

f. Landscape schedules for all relevant provisions of the *Landscape Manual* shall be provided on the site plan in accordance with Section 2.2(c) of the *Landscape Manual.*

g. The building dimensions for all structures, except the shed to be removed, shall be clearly indicated on the detailed site plan.

h. The eight parking spaces along the southern property line shall be removed and at least two of those spaces, including one handicapped parking space, shall be located elsewhere on the site. Such redesign shall be approved by the Urban Design Section as designee of the Planning Board.

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 Clark, with Commissioners Vaughns, Clark, Eley, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, June 15, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of June 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:bjs