

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 May 4, 2006, regarding Detailed Site Plan DSP-92048/03 for Bellefonte, Lot 37, Perfect Angels, the Planning Board finds:

1. **Request:** The subject detailed site plan application is for approval of a childcare center for 112 children in the I-1 Zone.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Warehouse, auto body shop, and office	Addition of a childcare center
Acreage	2.145	2.145
Lots	1	1
Building square footage/GFA	46,950	46,950
Of which childcare center	2,800	2,800

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total parking spaces	75	75
Of which handicapped spaces	3	6
Loading spaces	1	*
Outdoor play area		

*No information regarding loading spaces has been shown on the site plan. A condition of approval has been proposed to require the applicant to revise parking calculation to provide loading information pursuant to Part 11 of the Zoning Ordinance.

3. **Location:** The subject property is located on the northeast side of Old Alexandria Ferry Road, in Planning Area 81A and Council District 9. The proposed childcare center would occupy the end unit of a 13-bay existing building abutting Old Alexandria Ferry Road.
4. **Surroundings and Use:** The larger site where the proposed childcare center is located is bounded to the southwest by the right-of-way of Old Alexandria Ferry Road. To the west, east and northwest

are properties in the I-1 Zone under Zoning Map Amendment A-8986-C. To the northeast of the site is property in the I-1 Zone, which is covered by Zoning Map Amendment A-9847-C. The two tenants immediately adjacent to the proposed childcare center are a beauty shop and general office space. The rest of the tenants include a warehouse, an auto repair shop, an awning shop, and a soap-manufacturing factory.

5. **Previous Approvals:** The subject site was originally improved as several single-family detached residences. In 1980, the property was rezoned from the R-R Zone to the I-1 Zone by Zoning Map Amendment application A-8986-C. (Zoning Ordinance 18-1980).
6. **Design Features:** The proposed childcare center would use one unit of an existing 13-bay building located almost perpendicular to Old Alexandria Ferry Road. The childcare center would be located in the end unit abutting the right-of-way of Old Alexandria Ferry Road. A two-part outdoor play area has been proposed pursuant to Section 27-475.02. One is an on-site play area of 2,048 square feet adjacent to the childcare center and the other, with an area of 7,454 square feet, is located at the other end of the existing building. The remote outdoor play area would be converted from half of an existing parking lot and would be enclosed by an eight-foot-high stockade fence. In addition, a row of boulders has been provided between the proposed outdoor play area and the rest of the parking lot. Seven benches, each with an umbrella, have been provided in the play area. A concrete-paver pedestrian path has been provided to connect the childcare facility to the 7,454-square-foot outdoor play area, which is approximately 400 feet away from the facility. The proposed pedestrian path is located at the rear of the building in a 12-foot-wide setback area.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance No. 18-1980 (A-8986-C):** Zoning Ordinance 18-1980 was adopted by the District Council on February 25, 1980, to approve application A-8986-C to rezone approximately 2.1 acres of land, located on Old Alexandria Ferry Road, approximately 235 feet northwest of Bellefonte Lane, from the R-R Zone to the I-1 Zone with one condition as follows:

This rezoning is expressly made subject to the condition that prior to the issuance of any building or use and occupancy permits a site plan of development be approved by the Planning Board. Before approving a proposed site plan, the Board shall determine that there is appropriate screening, landscaping, parking area, and siting of structure to protect adjacent and nearby residential areas from any potential adverse effects.

Comment: The proposed childcare center is to use an existing building, which is currently occupied by various tenants. The childcare center will occupy the end unit abutting Old Alexandria Ferry Road. Except for certain improvements to accommodate the required outdoor play area, no construction has been proposed. The proposed use as a childcare center will not have potentially adverse effects on the adjacent and nearby residential areas. However, except for properties across Old Alexandria Ferry Road that are still in residential use, the sites immediately adjacent to the subject site have been converted into various industrial uses, including a contractor's office.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the I-1 Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in general conformance with the requirements of Section 27-473 of the Zoning Ordinance, which governs development in the industrial zones. The proposed childcare center, if it is in accordance with Section 27-475.02, is a permitted use in the I-1 Zone.
 - b. The subject application complies with Section 27-474 Regulations regarding setbacks, net lot area, building coverage and green area because the proposed childcare center would rent space in an existing building and retrofit portion of the existing parking lot as outdoor play area, which would increase the existing green area coverage on the site.
 - c. Section 27-475.02, Day Care Center for Children, sets additional requirements for childcare center use in the industrial zones. The specific requirements that are applicable in this case are:

(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 square feet of play space per child for fifty percent of the licensed capacity or seventy-five square feet per child for the total number of children to use the play area at one time, whichever is greater;**

Comment: The applicant uses the second method of outdoor play area calculation and provides 9,502 square feet of play area for a total of 112 children. However, the proposed outdoor play area consists of two parts. One is a toddler and infant play area of 2,048 square feet, which is a 12-foot-wide narrow land strip between the day care center building and the property line. The other is a 7,454-square-foot outdoor play area, which will be converted from an existing parking lot that is approximately 383 feet away from the location of the proposed day care center.

- (ii) All outdoor play areas shall be located at least twenty-five (25) feet from any dwelling on an adjacent lot, and shall be enclosed by a substantial wall or fence at least four (4) feet in height;**

Comment: As discussed previously, the proposed day care center is located in an industrially zoned area covered by a zoning map amendment and is surrounded by properties which were improved as residences and later converted to various industrial uses—such as a contractor’s office with outdoor storage yard—after the area was rezoned to the I-1 Zone. There are no residential dwellings on the adjacent lots. An eight-foot-high stockade fence has been shown on the site plan, which is two feet higher than the maximum height allowed by the Zoning Ordinance. The applicant has to reduce the height of the proposed fence to six feet. A condition of approval has been proposed in the recommendation section of this report.

- (iii) A greater setback 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;**

Comment: The proposed childcare center is located in an existing building and would be one of the tenants among other existing uses such as a beauty shop, warehouse, and automobile repair shop. The childcare center would be located at one end of the existing building abutting Old Alexandria Ferry Road, while the major outdoor play area would be located at the other end of the building. As discussed previously, the entire Bellefonte area was rezoned from residential to industrial between the late 1980s and early 1990s. At present most of the uses are industrial in nature.

In addition, the area is within the Air Installations Compatible Use Zones (AICUZ) of Andrews Air Force Base. According to a memorandum from the Environmental Planning Section (Shoular to Zhang, March 20, 2006), the noise levels on this site are between 70-80 dBA Ldn. The Urban Design Section staff believes that elevated noise levels caused by overflights of aircraft going to and from Andrews Air Force Base raise questions about whether or not the location of the day care center will be conducive to the health and safety of children utilizing the play area. The applicant has agreed to provide a noise shelter in addition to the proposed benches and umbrellas in the play area to mitigate aircraft related noise impact.

- (iv) An off-premises outdoor play area 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;**

Comment: As discussed previously, the proposed outdoor play area consists of two parts. The play area for toddlers and infants is not off-premises by definition. However, the area consists of the leftover, narrow strip of land between the building and adjacent properties. The other part of the proposed outdoor play area is located more than 383 feet away from the facility. Children will walk in a 12-foot-wide strip of land between the rear of the building and the property line and pass behind the other tenants of the building in order to play in the activity area at the other end of the building. The play area is a retrofitted portion of the existing parking lot, surrounded on two sides by the existing parking lots and on the other two sides by two properties in industrial use. The play area as a whole is in proximity to the childcare center.

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

Comment: The applicant has proposed seven benches with umbrellas that would provide sufficient shade to protect children from the sun during the warmer months of the year. The applicant also will provide a noise shelter pursuant to the conditions of approval in the play area.

- (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; and**

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

Comment: According to the applicant, the outdoor play area would be used during daylight hours after 7:00 a.m. and before 7:00 p.m. Thus no lighting is necessary. But the applicant will provide additional lighting along the walk path leading from the facility to the other part of the outdoor play area located at the other end of the building.

9. **Landscape Manual:** The proposed development is not subject to the provisions of the *Landscape Manual* because the proposal does not require the construction, enlargement, or extension of the existing building. The only exterior improvements will be installation of a walk path at rear of the building and development of the outdoor play area. The proposed use as a childcare center is less intense than most of the existing uses.
10. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Woodland Conservation Ordinance because the lot is more than 40,000 square feet in area and there are previously approved tree conservation plans for this property. The proposal is for the existing property and building to be used as a childcare center and it is in conformance with the previously

approved Type II tree conservation plan because no additional clearing is expected to occur. No new construction is involved. A standard exemption has been approved for this site and the exemption is valid through December 5, 2007.

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

- a. In a memorandum dated March 23, 2006, the Community Planning Division noted that the application is consistent with the Development Pattern policies for the Developing Tier contained in the 2002 *Prince George's County Approved General Plan*. But the application does not conform with the land use recommendations contained in the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*.

The community planner also discussed the noise issue related to Andrews Air Force Base and pointed out that the 1998 AICUZ study analyzing noise impact and accident potential had indicated that the use category of "Educational Services" at the proposed location was "not compatible and should be prohibited." The planner further noted, however, that if this site plan was approved, stringent conditions for both development and use should be considered.

- b. In a memorandum dated March 1, 2006, the Subdivision Section staff noted that additional information is needed in order to conduct the review. The applicant has not yet responded to the memorandum.

Comment: A condition of approval has been proposed to require the applicant to provide subdivision information pursuant to the recorded final plat.

- c. In a memorandum dated March 13, 2006, the Transportation Planning Section indicated that the use is far more intensive from the standpoint of trip generation than typical uses that would be anticipated within the I-1 Zone. Prior to any approval, the Transportation Planner requires more information regarding on-site circulation for both vehicular traffic and pedestrian traffic, especially the pedestrian traffic between the childcare facility and the play area.

Comment: The applicant proposes a walk path at the rear of the building as a measure to address the above circulation concerns and indicates that the walk path will be exclusively use by the childcare center children under supervision of teacher. A condition of approval has been proposed in the recommendation section to require the applicant to provide evidence that the childcare center has the exclusive use of the proposed walkway in the rear of the building that will lead to the main outdoor play area at the other end of the building.

In a separate memorandum from the Transportation Planning Section dated March 21, 2006, on detailed site plan review for master plan trail compliance, the trails planner noted that the subject site is not impacted by master plan trails issues identified in the Subregion V master plan. The subject property includes an existing sidewalk along its frontage of Old Alexandria Ferry Road.

- d. The subject application was also referred to the Department of Environmental Resources (DER). In a memorandum dated February 21, 2006, staff noted that DER has no objection to this project.
- e. In a memorandum dated March 20, 2006, the Environmental Planning Section indicated that the plans as submitted have not been found to address the environmental constraints for the site and the requirements of the Woodland Conservation Ordinance, specifically the aircraft related noise. The staff noted that the noise levels on the subject site are between 70-80 dBA Ldn. Those noise levels are above the state noise standards for residential-type uses (65 dBA Ldn). The Environmental Planning Section recommends disapproval of this DSP.

Comment: The applicant has worked with the Environmental Planning Section and agreed to provide a noise shelter to mitigate possible noise impacts. A condition of approval has been proposed in the recommendation section to require the applicant to submit the noise shelter for review and approval.

- f. In a memorandum dated February 14, 2006, Permit Section staff provided 12 comments and questions. Those comments and questions have not yet been fully addressed.
 - g. In a memorandum dated March 1, 2006, the Department of Public Works and Transportation (DPW&T) provided standard conditions on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting in order to be in accordance with both the requirements of DPW&T and the Department of Environmental Resources. Those conditions will be enforced at time of issuance of access permit.
12. The Planning Board finds, based on the several measures proposed by the applicant to protect the health and safety of the children, that the site plan as revised, fulfill the requirements of the Zoning Ordinance for a daycare center in an industrial zone. The Planning Board further finds, as required by Section 27-285 (b), 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-92048/03, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall
 - a. Provide construction details for the noise shelter on the detail sheet for review and approval by the Urban Design Section.
 - b. Provide the bearings and distances on the site plan pursuant to the recorded final plat.
 - c. Show the aircraft related noise contour line on the site plan.
 - d. Provide evidence that the childcare center has the exclusive use of the proposed walkway in the rear of the building that will lead to the main outdoor play area at the other end of the building.
 - e. Provide fence details on the site plan
 - f. Provide sufficient exterior lighting along the pedestrian walkway at the rear of the building.
 - g. Provide a minimum six vertical steel blockade columns along the frontage of the eastern side of the existing parking lot adjacent to the main outdoor play area.
 - h. Revise parking calculation and provide loading information.
 - i. Reduce the height of the proposed fence to six feet
2. Prior to issuance of Use and Occupancy permit, the outdoor play area serving the proposed childcare center shall be fully developed and equipped with the noise attenuation shelter and the protective devices.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Eley voting in opposition to the motion, at its regular meeting held on Thursday, May 4, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of June 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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