

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 17, 2008, regarding Specific Design Plan SDP-8311/02 for Collington Center Lot 13 B, Super Kids Clubhouse Early Learning Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care center facility for 130 children to be located in one of the units in an existing building in the E-I-A Zone.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	E-I-A	E-I-A
Use(s)	Office and Warehouse	Office, Warehouse and Day Care for Children
Acreage	8.93	8.93
Total Square Footage/GFA	68,300	68,300
The Proposed Day Care Center	7,803	7,803

OTHER DEVELOPMENT DATA

	<b>EXISTING</b>	<b>PROPOSED</b>
Enrollment number	N/A	130 children
Playground area required	N/A	4,875 square feet
Playground area provided	N/A	5,000 square feet
Total parking spaces*	90 spaces	104 spaces (89 spaces required)
Of which day care center	-	17 spaces (1/per 8 students)
Loading spaces	7 (3 spaces required)	7*

**\* The existing parking and loading spaces. No loading space is required for the proposed day care center for 130 children.**

3. **Location:** The subject property is located in the southwest quadrant of the intersection of Trade Zone Avenue and Prince George's Center Boulevard, within a larger development known as Collington Center. The subject site is approximately 620 feet west of US 301, in Planning Area 74A and Council District 4.

4. **Surrounding Uses:** The subject site is within the middle section of a larger employment area known as Collington Center. The site is bounded to the north by the right-of-way (ROW) of Trade Zone Avenue, to the east by the ROW of Prince George's Center Boulevard. To the south of the property is vacant land and to the west is another developed property of the Collington Center in the E-I-A Zone. The subject site has been developed with one building for office, warehouse uses and associated site improvements. The proposed day care center for children will occupy one of the internal units with approximately 7,803 square feet.
  
5. **Previous Approvals:** The subject site is improved as a part of a larger project known as Collington Center. The Basic Plan (A-6965, which rezoned 898.14-acres to the E-I-A Zone) for Collington Center was approved as part of Bowie-Collington Sectional Map Amendment on October 28, 1975. A subsequent application (A-9284, which rezoned an additional 383.55 acres to the E-I-A Zone) was approved on August 29, 1978. On November 23, 1981, another application (A-9397) was approved for rezoning approximately 8.16 acres of land to the E-I-A Zone, making the total size of the Collington Center project 1,289.85 acres. Following the approval of the rezoning applications, several comprehensive design plans, including CDP-7802, CDP-8712 and CDP-9006, were approved for the Collington Center. CDP-8712 contains the site of this SDP. In addition, Collington Center has many other approvals such as preliminary plans of subdivision, specific design plans, tree conservation plans, and final plats. Specific Design Plan SDP-8311(Collington Center, Lot 13, Harkins Building), covering the subject site, was approved by the Planning Board on March 1, 1984. SDP-8311 was subsequently revised once (SDP-8311/01, New Life Church and Day care Center) for a 150-member congregation and a day care center for 100 children, but that applicant eventually withdrew the application. Since the site has been fully improved with an existing building, and no new building is proposed with this application, this SDP is exempt from the stormwater management requirements according to stormwater management concept approval 793-2008-00 for this site. The subject site also has an approved Type II Tree Conservation Plan, TCPII/67/96, that covers the entire Collington Center North where the subject site is located. The proposed day care center in the subject application does not alter the previously approved TCPII/67/96.
  
6. **Design Features:** The subject site is in a quadrilateral shape and has been improved with one large building in the middle of the site surrounded by surface parking lots on the east, west and the south sides. Two access points to the site exist from Trade Zone Avenue. One access leads to the parking lot in front of the building and the other access connects the parking and loading area at the rear of the building to Trade Zone Avenue. The proposed day care facility will be in the middle of the existing building and has an entrance from the front of the building. An outdoor play area of approximately 5,000 square feet has been shown on the site plan located at the rear of the building enclosed with concrete-filled steel bollards and fence. The steel bollards provide protection from the vehicles on the adjacent parking lot. However, no information regarding the surface material of the playground has been provided. A condition has been proposed to require the applicant to provide a playground surface section in accordance with ASTM (American Society for Testing and Materials) requirements.

The site plan shows three types of fences which are six feet in height to be used to enclose the proposed outdoor playground. Staff believes a vinyl-clad chain-link fence is appropriate and that the other two types of board-on-board fence are inappropriate due to their opaqueness. A chain-link fence will let people see the day care children when they are playing on the outdoor playground. A condition has been proposed to require the applicant to remove the other two types of board-on-board fences from the fence details on the site plan prior to certification of this SDP.

There is one existing loading space located to the west of the proposed outdoor play area. Because of the proposed improvement of the play area, there is only about a ten-foot distance between the fence and the curb that will be used by a truck while it is loading. Staff is concerned that the tight loading space could result in a truck inadvertently running into the fence. There are seven existing loading spaces on this site serving the existing building, although only three are required. Removing the loading space in question will not have any negative impact on the site but will greatly improve the safety of the outdoor play area. A condition has been proposed by the Urban Design Section to require the applicant to remove the loading space prior to certification.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment Application A-6965:** Zoning Map Amendment Application A-6965 was approved with the Bowie-Collington and Vicinity Sectional Map Amendment and later was amended, along with Zoning Map Amendment Application A-9397, with 13 conditions. The applicable conditions were fulfilled at the time of SDP-8311. Since this revision to SDP-8311 only involves the change of use for one internal unit of the existing building, the subject SDP will not alter any conditions of approval.
8. **Comprehensive Design Plan CDP-8712:** Comprehensive Design Plan CDP-8712 was approved with three conditions. None of the conditions of the CDP is applicable to this SDP.
9. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the E-I-A Zone and the site plan design guidelines of the Zoning Ordinance.
  - a. The subject application is in conformance with the use requirements of Section 27-515, which governs permitted uses in the comprehensive design zone. The proposed day care center for children is a permitted use in the E-I-A Zone.
  - b. There are no additional regulations for the day care use in a comprehensive design zone. However, for purposes of comparison, the subject application has been reviewed below for conformance to the requirements of the Zoning Ordinance for day care center in conventional industrial zones (Section 27-475.02) regarding size, location, screening and operation of the outdoor playground as follows:
    - (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.**

**Comment:** The enrollment number for the proposed day care facility is 130 children. The required outdoor playground is 4,875 square feet and the playground provided is 5,000 square feet. The SDP fulfills this requirement.

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

**Comment:** There is no dwelling unit immediately adjacent to the subject site. The adjacent properties are the rest of the Collington Center in the E-I-A Zone.

- (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.**

**Comment:** The proposed outdoor playground is located at the rear of the unit where the day care facility is situated. The play area is surrounded by a proposed six-foot-high, vinyl-clad chain-link fence. In addition, a row of concrete-filled steel pollards is located in front of the chain link fence to protect the play area from the rest of the parking lot. The chain-link fence and the protective Pollards are acceptable. Since the play area is located adjacent to a small parking lot to the east, a solid fence should be installed along the east side to screen the parking lot from the outdoor play area. A condition has been included in the recommendation section of this report.

- (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.**

**Comment:** The outdoor playground provided with this SDP is located immediately adjacent to the child care facility. The children using the outdoor play area do not need to cross any streets or driveways.

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

**Comment:** According to the applicant, the shade canopy will be attached to the wall of the existing building where the outdoor play area is located. The canopy will provide sufficient shade during the warmer months of the year to provide children with protection from the sun.

- (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**

**Comment:** The outdoor play area will not be used after sunset in accordance with the information provided by the applicant. Therefore, no outdoor lighting is needed.

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

**Comment:** According to the applicant, the hours of operation are from 6:30 a.m.–6:30 p.m. The children will not be allowed to play outside until after 9:00 a.m. In the afternoon, since the day care center will be closed at 6:30 p.m., the children have to leave the play area before 6:00 p.m. The SDP complies with this requirement.

c. Section 27-528, requires the following findings for approval of a specific design plan.

- (1) **Prior to approving a Specific Design Plan, the Planning Board shall find that:**

- (a) **The plan conforms to the approved Comprehensive Design Plan and the applicable standards of the *Landscape Manual*.**

**Comment:** The subject SDP proposes to use one of the existing internal units as a day care center for children with associated outdoor playground improvements. The site's conformance with the comprehensive design plan was demonstrated at the time of the SDP-8311 approval. Since this SDP does not modify any previous approvals, the proposed specific design plan thus conforms to the approved comprehensive design plan and the applicable standards of the *Landscape Manual*.

- (b) **The development will be adequately served within a reasonable period of time with existing or programmed facilities either shown in the appropriate Capital Improvement Program or provided as part of the private development.**

**Comment:** Findings for adequate public facilities, including fire, rescue, police, and transportation, have been normally made in conjunction with the preliminary plan of subdivision. In this case, demonstration of adequate public facilities was also made at the time of the SDP-8311 approval, and nothing in the subject SDP for a day care facility would alter that previous finding.

- (c) **Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties.**

**Comment:** The Department of Environmental Resources approved a stormwater management plan for this site at the time of the SDP-8311 approval. A new stormwater management concept approval for this site exempts this SDP from any stormwater obligation because this SDP only utilizes one of the existing units of the existing building without any new improvements. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

- (d) **The Plan is in conformance with an approved Tree Conservation Plan.**

**Comment:** A Type II Tree Conservation Plan TCPII/67/96 previously approved covers a larger property including the subject site. This SDP does not propose any changes to previously approved Type II Tree Conservation Plan TCPII/67/96.

10. **Preliminary Plan of Subdivision 4-88074:** The Planning Board approved 4-88074 with 11 conditions. The applicable conditions were fulfilled at the time of the SDP-8311 approval. The subject SDP complies with the requirements of 4-88074.
11. **Specific Design Plan SDP-8311:** Specific Design Plan SDP-8311(Collington Center, Lot 13, Harkins Building) covering the subject site was approved by the Planning Board on March 1,1984, subject to one condition that requires an approval for any freestanding business signs prior to issuance of any sign permits. SDP-8311 was subsequently revised once (SDP-8311/01 New Life Church and Day Care Center) for a 150-member congregation and a day care center for 100 children. The applicant eventually withdrew that application. The proposed day care facility will use one of the units in the existing building with no signage. The subject SDP is consistent with the previous approval.

12. **Landscape Manual:** The original specific design plan predates the *Landscape Manual*. Since the subject revision to the previously approved specific design plan does not involve an increment of either building gross floor area or parking area, the requirements of the *Landscape Manual* are not applicable to this SDP.
13. **Woodland Conservation Ordinance:** This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the larger site is in excess of 40,000 square feet; there are more than 10,000 square feet of existing woodland on site; and there is a previously approved tree conservation plan. Type II Tree Conservation Plan TCPII/67/96 was approved for a larger property including the subject site. The previous approval has been revised four times. The most recent revision was approved in 2005 and is valid for this site. Since this SDP proposes no revisions to the approved TCPII/67/96, the approval still governs this site.
14. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
  - a. The Permit Section, in a memorandum dated March 4, 2008, provided nine comments and questions on the site plan regarding compliance with the approved SDP, parking, lighting and shade requirements for the outdoor play area in accordance with the Zoning Ordinance. The applicant addressed all concerns by revising the site plan.
  - b. The Child Care Licensing Office of The Maryland Department of Human Resources had not responded the referral request at the time this staff report was written.

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 Specific Design Plan for the above-described land, subject to the following conditions:

1. Prior to certificate approval of this specific design plan, the applicant shall:
  - a. Provide playground surface information in a cross section format in accordance with the requirements of the American Society for Testing and Materials.
  - b. Provide a solid vinyl fence to screen the adjacent parking lot to the east from the views of the proposed outdoor play area and a vinyl-clad chain-link fence to enclose the rest sides of the outdoor play area.
  - c. Remove the loading space that is located immediately to the west of the proposed outdoor play area.

- d. Remove the fence details from the plan, except those for the proposed vinyl-clad chain-link and vinyl fences.

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, April 17, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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