

R E S O L U T I O N

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the applicant, Nora Nwozo, submitted an application for approval of a detailed site plan for approval of a day care center with a maximum enrollment of 50 children within an integrated shopping center on the 12.7-acre property, located northwest of the intersection of US 301 (Robert Crain Highway) and Excalibur Road and within in the Commercial, General and Office (CGO) Zone; and

WHEREAS, pursuant to Section 27-1903 of the Zoning Ordinance, development proposals for properties in the CGO Zone may utilize the Zoning Ordinance or Subdivision Regulations in existence prior to April 1, 2022 (the prior Zoning Ordinance and prior Subdivision Regulations) for development of the property on which the development is proposed; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the prior Zoning Ordinance; and

WHEREAS, in consideration of evidence presented at a public hearing on November 2, 2023, regarding Detailed Site Plan DSP-22033 for Nora’s Angels Early Learning Center, the Planning Board finds:

- Request:** The subject detailed site plan (DSP) is for a day care center with a maximum enrollment of 50 children within an integrated shopping center on the 12.7-acre property, located northwest of the intersection of US 301 (Robert Crain Highway) and Excalibur Road, that was located in the Commercial Shopping Center (C-S-C) Zone prior to April 1, 2022.
- Development Data Summary:**

	EXISTING	EVALUATED
Zone	CGO (Prior C-S-C)	CGO (Prior C-S-C)
Use	An integrated Shopping Center consisting of various commercial uses.	A day care center for children within the existing integrated Shopping Center
Gross acreage	12.7	12.7
Parcels/Lots	1	1
Gross floor area (GFA) of building	124,436 sq. ft.	124,436 sq. ft. in total (Approved day care center: 2,877 sq. ft.)

Parking Requirements (per Sections 27-566(b)(1) and 27-568(a) of the prior Zoning Ordinance)

	Number of Spaces Required	Number of Spaces Provided
Shopping Center	1 per every 250 sq. ft.: 487	Standard: 554 Handicap Van-Accessible: 18
Day Care Center	1 space per 8 children (50 children): 7	Standard: 7
Total	494 Spaces	579 Spaces*

Note: *The total number of existing parking spaces on-site is 594, of which 15 standard parking spaces will be removed for the approved outdoor play area.

Loading Space (per Section 27-582(a) of the prior Zoning Ordinance)

	Required	Provided
Shopping Center	4	4 (12 feet x 33 feet)
Total loading space required	4	4*

Note: *This information is from the previously approved landscape plan. The submitted DSP shows that these loading spaces are located behind the shopping center, in the northern area of the site.

Outdoor Play Area (per Section 27-464.02 of the prior Zoning Ordinance)

Use	REQUIRED	PROVIDED
Day Care (25 Children) @ 75 sq. ft./Child	1,875 sq. ft.	2,520 sq. ft.

3. **Location:** The subject property is known as Parcel A, located on Tax Map 55 in Grids D3 and D4, and is geographically located on the west side of US 301 (Robert Crain Highway). This 12.7-acre property is currently developed with an integrated shopping center, known as Collington Plaza Shopping Center.
4. **Surrounding Uses:** The abutting properties to the north and west are located within the Legacy Comprehensive Design (LCD) Zone (formerly the Comprehensive Design Zone) and are zoned Residential Urban Development (R-U) and Residential Suburban Development (R-S), respectively. These properties are developed with residential apartment buildings and

single-family attached residential units. The property to the south is in the Commercial General Office (CGO) Zone, formerly the C-S-C Zone, and is developed with a big-box store. To the east of the subject site is US 301 and a mixed-use development, beyond US 301.

5. **Previous Approvals:** There are no known approved DSP applications for the subject site. Available aerial imagery shows that the original shopping center was constructed between 1969 and 1971 and was later expanded between 1993 and 1998. The site has an approved Conceptual Stormdrain (CSD) Concept, 94-0919.
6. **Design Features:** The property is currently developed with a 124,436-square-foot integrated shopping center. The L-shaped retail building sits in the center of the site and encloses an expansive parking area to the south. Another parking area is located to the west. There are three entry points accessing the site, of which two are located on US 301. The first entry is located close to where the northern property line meets US 301. The second entry is located toward the southern property line, which is a shared entry point with the big-box store to the south of the subject property. The third one is an indirect entry point located on Excalibur Road. When using this entry to access the site, drivers must cross the property on which the big-box store is located.

The applicant plans to create a day care center for children through the conversion of one retail space of 2,877 square feet, located in the western portion of the integrated shopping center. Behind the day care center, the applicant proposed to remove 15 existing parking spaces for an approximately 2,520-square-foot outdoor play area. This area would be fenced with a 6-foot-tall vinyl fence and accessible through a 4-foot-wide gate. A new crosswalk, across an existing drive aisle, would connect to the rear door of the day care center for children and teachers to easily access it. Pursuant to Section 27-464.02(a)(1)(iv) of the prior Zoning Ordinance, an outdoor play area shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway. A condition is included herein, requiring the applicant to relocate the outdoor play area to the approved new location, which is the parking area immediately south of and adjacent to the approved day care. The size and design of the outdoor play area can be retained, as approved with this application, with minor modification to fit the approved new location. However, additional curbstones or a similar measure are required to hinder vehicle intrusion into the fenced play area, which is conditioned in this resolution. The approved new location ensures that children can safely access the outdoor play area without crossing any drive aisle. The number of parking spaces being removed for the approved new outdoor play area may exceed the 15 spaces currently planned, but the total number of parking spaces provided for the overall site must still meet the parking requirements.

Within the play area, the applicant provides two playground structures, two benches, one trash receptacle, and one shade structure. For safety reasons, an approximately 1,200-square-foot area, where two playground structures are located, will be covered with SolidPlay rubber playground flooring tiles. The rubber flooring tiles will be directly installed on top of the pavement of the existing parking area. A condition is included herein, requiring the applicant to demonstrate on the DSP that the required American Society for Testing and Materials (ASTM) fall zones and appropriate surface material depth are met.

One building-mounted sign is included, to be installed above the retail space unit, stating the name of the business as “Nora’s Angels Early Learning Center.” Pursuant to Section 27-613(c)(3)(c) of the prior Zoning Ordinance, building-mounted signage in commercial zones (except for C-O Zone) is determined by the length of the tenant space. A condition is included herein, requiring the applicant to provide a schedule to show the signage requirements and to demonstrate conformance.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George’s County Zoning Ordinance:** This DSP has been reviewed for compliance with the requirements of the C-S-C Zone of the prior Zoning Ordinance.

- a. The subject application complies with the applicable requirements of the prior Zoning Ordinance, including the requirements in Section 27-454 for the C-S-C Zone. A day care center for children is a permitted use under Section 27-461(b), Table of Uses, of the prior Zoning Ordinance. In addition, a day care center for children must meet the additional requirements of Section 27-464.02, which are analyzed 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;**

The approved maximum enrollment of the day care center is 50 children, and the required play area for the licensed capacity is 1,875 square feet. The maximum number of children permitted to use the play area at one time is 25, which results in the same minimum 1,875-square-foot area requirement. This DSP includes a total of 2,520 square feet of outdoor play area, located to the south of the approved daycare center, and conforms with this requirement.

- (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 distance from the approved new outdoor play area to the nearest residential dwelling unit is approximately 260 feet. These residential dwellings are located on adjoining properties to the north and west of the subject site, which are zoned R-U and R-S, respectively.

The applicant will enclose the play area with a 6-foot-tall vinyl fence, in conformance with this requirement.

- (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 approved new play area is set back approximately 10 feet from the nearest property line to the south and 260 feet from the nearest multifamily residential building to the north. Therefore, no greater setback should be necessary. The approved 6-foot-tall fence will be sufficient to protect the health and safety of the children in the play area. A condition is included herein, requiring the applicant to label the setback dimension from the play area fence to the southern property boundary.

- (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 detailed analysis regarding this requirement was discussed and addressed in Finding 6 above. A condition has been included herein to ensure the safety of the children by relocating the play area to an area of the parking lot that abuts the building. The approved new outdoor play area is located approximately 10 feet to the south of the approved day care center for children.

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

A 20-foot by 40-foot hip roof shade structure is included within the outdoor playground area, which will provide sufficient shade for the children playing during the warmer months of the year.

- (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;**

The site plan indicates that outdoor play is limited to daylight hours only, and that existing lighting fixtures in the parking area around the approved outdoor play area will remain as the only illumination source.

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

A note on the DSP indicates that the hours of operation will be limited to the hours specified by this requirement.

- b. The DSP contains the information required by Section 27-464.02(a)(2) and is designed in compliance with the applicable site design guidelines, as required in Section 27-283 and contained in Section 27-274 of the prior Zoning Ordinance. Many of the design guidelines do not apply to the subject DSP because the site improvements already exist. However, those that do apply to the minor changes approved with this DSP are in accordance with the applicable guidelines. For example, the DSP application includes dedicated parking for the use, consistent with the dimensional requirements of the prior Zoning Ordinance and minimizes grading to the extent practicable.
8. **2010 Prince George's County Landscape Manual:** The application is exempt from the *Prince George's County Landscape Manual* because this DSP does not involve a change of use from a lower to a higher intensity use category, an increase in impervious surface, or an increase in gross floor area of the building.
- The subject project has an approved landscape plan. The property should be maintained, in conformance with the landscape requirements. Failure to maintain required landscaping may result in a zoning violation.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO):** The change of use of an existing retail store to the approved day care center, with an outdoor play area, will not alter the previous findings regarding conformance with the Woodland and Wildlife Habitat Conservation Ordinance that were made at the time of approval of TCP2-060-92-02.
10. **Prince George's County Tree Canopy Coverage Ordinance:** Since this DSP includes less than 5,000 square feet of gross floor area of disturbance, in accordance with Section 25-127 of the Tree Canopy Coverage Ordinance, this application is exempt from tree canopy coverage requirements.

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

- a. **Historic Preservation**—The Planning Board has reviewed and adopts the memorandum dated September 1st, 2023 (Stabler, Smith & Chisholm to Huang). The Historic Preservation Section noted that a search of current and historic photographs, topographic, and historic maps and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
- b. **Community Planning**—The Planning Board has reviewed and adopts the memorandum dated October 2, 2023 (Sams to Huang). The Community Planning Division indicated that, pursuant to Subtitle 27, Part 3, Division 9, Subdivision 3, of the prior Zoning Ordinance, master plan conformance is not required for this application.
- c. **Transportation Planning**—The Planning Board has reviewed and adopts the memorandum dated October 4, 2023 (Yang to Huang). The Transportation Planning Section offered the following comments:

Master Plan Right of Way

This application is subject to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2022 *Approved Bowie-Mitchellville and Vicinity Master Plan* (Bowie-Mitchellville and Vicinity Master Plan). The existing shopping center has frontage along US 301, designated as a freeway. However, the subject application for a day center for children is not adjacent to US 301.

Master Plan Pedestrian and Bike Facilities

The MPOT does not have policies related to the subject development. The Bowie-Mitchellville and Vicinity Master Plan contains the following policy related to the subject development:

Policy TM 10: Support the County’s efforts to achieve Vision Zero Prince George’s, a Countywide interdisciplinary approach to eliminate all traffic-related fatalities and serious injuries. (page 127)

- d. **Subdivision**—The Planning Board has reviewed and adopts the memorandum dated August 30, 2023 (Heath to Huang). The Subdivision Review Section noted that the approved development is exempt from filing a PPS and final plat.
- e. **Environmental Planning**—The Planning Board has reviewed and adopts the memorandum dated September 27, 2023 (Rea to Huang). The Environmental Planning Section noted that this project complies with TCP2-060-92-02 because no woodlands will be removed.

- f. **Permits**—The Planning Board has reviewed and adopts the memorandum dated October 2, 2023 (Shaffer to Huang). The Permit Review Section offered comments, which have been addressed through revisions to the plans, or included in this resolution.
- g. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board has reviewed and adopts the memorandum dated October 10, 2023 (Giles to Huang). DPIE indicated that the property is served by public water and sewer service, and offered comments pertaining to SWM, which will be addressed through DPIE’s separate permitting process.
- h. **Prince George’s County Fire/EMS Department**—The Planning Board has reviewed and adopts the email dated September 1, 2023 (Reilly to Huang), in which the Fire/EMS Department provided no comments on this application, but suggested curbstones or some similar measure to hinder vehicle intrusion into the fenced play area from its west side. A condition is included herein for such installation for safety purposes.
- i. **Prince George’s County Police Department**—The Police Department did not offer comments on the subject application.
- j. **Prince George’s County Health Department**—The Planning Board has reviewed and adopts the memorandum dated August 30, 2023 (Adepoju to Huang). The Health Department provided two comments as follows:
 - “(1) The facility must apply for licensure to the Maryland Department of Education’s Division of Early Childhood. Contact the Prince George’s County Office of Child Care for assistance located at 807 Brightseat Road, Landover, MD or call (301) 333-6940.
 - “(2) The facility must have an environmental assessment inspection by the Prince George’s County’s Health Department Division of Environmental Engineering and Policy Program located at 9201 Basil Court, Suite 305, Largo, MD or call (301) 883-7681.”
- k. **Maryland Department of Human Resources**—The Maryland Department of Human Resources did not offer comments on the subject application.
- l. **City of Bowie**—The subject property is located within the geographical boundary of the City of Bowie. The DSP application was referred to the municipality for review. The application was heard at the City Council meeting on October 2, 2023. The City Council recommended APPROVAL of this DSP, with no conditions. Mr. Joe Meinert, the City of Bowie’s Planning Director, testified at the public hearing on November 2, 2023 to note the City of Bowie’s support for the DSP, and that the property is subject to an annexation agreement with the City of Bowie.

12. **Community Feedback:** The Planning Board did not receive any written correspondence from the community regarding this subject application, nor did any community members testify at the public hearing on November 2, 2023.
13. Based on the foregoing, and as required by Section 27-285(b)(1) of the prior Zoning Ordinance, the DSP, if approved with conditions, 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 costs and without detracting substantially from the utility of the development for its intended use.
14. Section 27-285(b)(2) of the prior Zoning Ordinance does not apply to this DSP because the subject property is not subject to a conceptual site plan.
15. Section 27-285(b)(3) of the prior Zoning Ordinance does not apply to this DSP because it is not a DSP for infrastructure.
16. As required by Section 27-285(b)(4) of the prior Zoning Ordinance, for approval of a DSP, the regulated environmental features (REF) on-site have been preserved and/or restored in a natural state, to the fullest extent possible, in accordance with the requirements of Subtitle 24-130(b)(5) of the prior Prince George's County Subdivision Regulations, as this DSP does not permit any change to the established limits of disturbance and does not result in any impacts to REF.

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 Detailed Site Plan DSP-22033 for the above-described land, subject to the following conditions:

1. Prior to certification, the detailed site plan (DSP) shall be revised, or additional information shall be provided, as follows:
 - a. Revise General Note 5 to indicate that the number of parcels is one.
 - b. Add a note listing the property as Parcel A and include its recording reference.
 - c. Revise General Note 6 to indicate that no dwelling units are on the property.
 - d. Revise General Note 7 to indicate that the existing on-site gross floor area is nonresidential.
 - e. Relocate the proposed outdoor play area to the parking area immediately abutting the building to the south.
 - f. Label and note on the plan that the proposed outdoor play area and path accessing it is Americans with Disabilities Act compliant.

- g. Provide a schedule to show the signage requirements and to demonstrate conformance.
- h. Label the setback dimension from the play area fence to the southern property boundary.
- i. Add curbstones or a similar measure around the outdoor play area to hinder vehicle intrusion into the fenced play area.
- j. Demonstrate that the required American Society for Testing and Materials (ASTM) fall zones and appropriate surface material depth are met on the DSP.
- k. Note on the plan that the proposed playground equipment will meet the requirements of the Americans with Disabilities Act.
- l. Provide additional signage to increase pedestrian safety, subject to the review of the Urban Design and Transportation Planning Sections of the Prince George's County Planning Department, and the property owner's permission.


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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, November 2, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2023.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:TH:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel