

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 15, 2016, regarding Detailed Site Plan DSP-15025 for 6320 Allentown Road Day Care Center, the Planning Board finds:

1. **Request:** The subject application is for a day care center for 78 children, also known as 6320 Allentown Road Day Care Center. The applicant proposes to locate the daycare center in an existing building that was previously used as a real estate office.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	C-S-C/M-I-O	C-S-C/M-I-O
Use	Vacant (office)	Day care center
Acreage	0.49	0.49
Lot(s)	1	1
Gross floor area (square feet)	5,634	5,634

3. **Location:** The subject day care center is located in the northeast quadrant of the intersection of Allentown Road and Allentown Way, at 6320 Allentown Road in Camp Springs.

4. **Surrounding Uses:** The property is bounded to the northeast by an auto glass repair use in the Commercial Shopping Center (C-S-C) Zone; to the northwest by Allentown Road and beyond by a shopping center in the C-S-C Zone; to the southeast by a gas station and car wash in the C-S-C Zone; and to the southwest, by Allentown Way and beyond, by a bank in the C-S-C Zone.

5. **Previous Approvals:** The subject property has an approved Alternative Compliance (AC-91082) approved September 27, 1991 in conjunction with building Permit 5292-91-CGU for Lot 3, Allentown Plaza. The 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* retained the site in the C-S-C Zone. A stormwater management concept plan was approved on October 22, 2015 that is valid until October 22, 2018.

6. **Design Features:** The subject site contains an existing one-story, 5,634-square-foot brick building that is currently vacant, but which previously housed a professional office. No additional gross floor area is proposed. Access is provided via a one-way driveway from Allentown Way (entrance) and Allentown Road (exit). The two existing driveway aprons are 26 feet wide (rather than the 30 feet required for two-way access) and the drive aisles are a minimum of 12 feet wide. The

applicant should provide signage indicating one way access and pavement arrows should be provided on-site as shown on the site plan. Parking is provided along three sides of the building. A minimum of 22 feet should be provided between the accessible parking space and the drop-off area along Allentown Road. The drop-off area should either be decreased in size or shifted south. A 2,938-square-foot proposed play area is shown to the east of the building adjacent to Lot 2. Steel bollards are proposed to separate the parking area from the play area, and a six-foot-high chain-link fence is proposed to enclose the play area along Lot 2 and Lot 4. The fencing is discussed further in Finding 8 below. Resilient flooring should be provided in the play area where play equipment is installed. An existing sidewalk provides safe access from the building to the play area. The width of the sidewalk should be shown on the plan.

The applicant is proposing to re-face the existing freestanding sign. No additional sign face area is proposed. Because the sign is within the ultimate right-of-way, the location of the sign may be subject to approval of the District Council.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The DSP is in conformance with Section 27-454, Purposes of the C-S-C Zone and Section 27-461, Uses permitted in the C-S-C Zone. The proposed day care center is a permitted use in the C-S-C Zone and is conformance with Section 27-462, Regulations in the C-S-C Zone. The use is also in conformance with the M-I-O Zone. The subject property is located within height surface E which has a height limit range between 150 feet and 500 feet depending on the site's location. The day care is 15 feet in height, and the existing sign is 25 feet high. The site is not located within a safety zone or high noise contour. Therefore, the use is not impacted by the Overlay Zone.
 - a. Subject to the attached conditions, the DSP will be in conformance with Section 27-464.02 of the Zoning Ordinance, which sets forth additional required findings for a day care center for children:
 - (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 applicant is proposing an enrollment capacity of 78 children which requires a minimum of 2,925 square feet of play area based on 50 percent of the total enrollment. The proposed play area is 2,938 square feet, which will allow for a maximum capacity of 39 children to utilize the play area at one time. The general notes should indicate that no more than 39 children will be using the play area at one time.

- (ii) All outdoor play areas shall be located on the same lot as the center 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 proposal is in conformance with this requirement. The adjacent uses are both commercial in nature. The note indicating that a variance is requested from this requirement should be deleted as there are no residential uses on the adjoining property and therefore, no variance is required.

- (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 location of the existing play area does not necessitate a greater setback or higher fence. The Planning Board finds that the existing walls and fence are sufficient, and a greater setback or higher fence around the play area will not be needed to protect the health and safety of the children utilizing the play area.

- (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;**

As the outdoor play area in this case is not off-premise, this requirement does not apply to the subject project.

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

The applicant proposes covered play equipment that will provide sufficient shade during the warmer months to afford protection from the sun.

- (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 statement of justification and general notes indicate that the play area will be utilized only during daylight hours.

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

The general notes indicate that outdoor play will be restricted to the hours between 7:00 a.m. and 9:00 p.m.

(2) Site plan.

- (A) **A Detailed Site Plan shall be approved for the center, in accordance with Part 3, Division 9, of this Subtitle to insure compliance with the provisions of the Section.**

Subject to the attached conditions, the subject application will be in conformance with this requirement.

- (B) **In addition to the submittal requirements of Part 3, Division 9, the Detailed Site Plan shall show:**

- (i) **The proposed enrollment;**
- (ii) **The location and use of all buildings located on adjoining lots;**
- (iii) **The location and size of outdoor play or activity areas; and**
- (iv) **The location, quantity, and type of screening and landscaping.**

The general notes indicate the proposed enrollment. The site plan indicates the location of all adjacent buildings on the adjacent lots, the location and size of the outdoor play area and the location, quantity, and type of screening, in conformance with the requirements above.

- b. The DSP shows a site layout that is generally consistent with the applicable site design guidelines including Section 27-462, Regulations, for the C-S-C Zone. The DSP is also consistent with Section 27-274 of the Zoning Ordinance regarding site design guidelines including those for parking, lighting and green area.

c. Part 11 of the Zoning Ordinance requires that a total of 10 parking spaces be provided for an enrollment of 78 students. The applicant is proposing a total of 12 parking spaces, including one handicap space, as required. The handicap space dimensions should be revised to accommodate a handicap accessible van. No loading spaces are required or provided. A depressed curb should be provided for the sidewalk connecting the parking area to the building entrance for handicap accessibility.

8. **2010 Prince George's County Landscape Manual:** The proposal is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because no new construction is proposed and the use will not have a greater impact than the previous office use. It is noted that the property was subject to a previous Alternative Compliance approval (AC-91082-01) to provide a reduced bufferyard adjacent to the existing car wash. A landscape plan should be provided that indicates conformance with the approved Alternative Compliance or the site will be subject to the current landscape manual requirements.

Section 4.9, Sustainable Landscaping Requirements—Requires that certain percentages of native plants be provided on-site, along with no invasive plants and no plants being planted on slopes steeper than three-to-one. If additional plantings are required and proposed to bring the site into conformance with the previously approved alternative compliance application, then a Section 4.9 schedule should be provided.

Alternative Compliance (AC-91082-01): As noted above, a request for Alternative Compliance application (AC) was approved on September 27, 1991 (AC-91082-01) from Section 4.7 of the 1990 Landscape Manual to allow a reduction in the required bufferyard and plantings adjacent to the car wash. The Planning Director noted the parking lot pre-existed zoning, and further based the alternative compliance approval on the provision of a 15-foot-high brick wall on the adjacent property (car wash building) and a six-foot-high brick wall along approximately 46 linear feet of the subject property with climbing vines. In addition, a densely-planted island at the site's entrance and plantings along Allentown Way were to be provided. The site plan shows only a few plantings and a six-foot-high chain-link fence and three-foot high brick wall topped with a six-foot-high wood fence (the latter of which was existing at the time the AC request was made) rather than the required brick wall. Again, as noted above, the applicant should either provide a landscape plan that indicates conformance with the approved AC or be subject to the current landscape manual requirements.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the property has less than 10,000 square feet of existing woodlands on-site, and there are no previously approved tree conservation plans on the subject site.
10. **Prince George's County Tree Canopy Coverage Ordinance:** The application is exempt from the requirements of the Tree Canopy Coverage Ordinance, as it does not involve land disturbance of more than 5,000 square feet.

11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Community Planning**—The following summarized comments are provided:

- (1) *Plan Prince George's 2035 Approved General Plan* designates the area in the Established Communities Growth Policy area. The vision for Established Communities is a context-sensitive infill and low to medium-density development.
- (2) The subject property is within the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* and the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* which retained the subject property in the Commercial Shopping Center (C-S-C) Zone.
- (3) Findings of conformance with the Master Plan and General Plan are not required with this application. There are no Master Plan issues associated with the proposed daycare center.
- (4) The property is within the Military Installation Overlay (M-I-O) Zone Joint Base Andrews Imaginary Runway Surface E which has a maximum height limit of 257 feet for the subject property. The existing building that will be used as a child day care center is far below the maximum height limit.

b. **Environmental Planning**—The following summarized comments are provided:

- (1) The site has been issued a standard exemption (S-122-15) from the Woodland and Wildlife Habitat Conservation Ordinance because the site contains less than 10,000 square feet of existing woodland and the property has had no previous Tree Conservation Plan approvals. The exemption letter, dated July 13, 2015, is valid until July 13, 2020. An NRI equivalency letter (NRI-133-2015) dated July 10, 2015 has been issued based on the standard woodland conservation exemption and that no regulated environmental features are proposed to be impacted. The NRI equivalency letter is valid until July 10, 2017.
- (2) The site fronts on Allentown Road, a Master Plan designated arterial roadway which is regulated for traffic generated noise with respect to residential uses only. No additional information with respect to noise is required for the current application.
- (3) The applicant submitted a Stormwater Management Concept Approval letter dated October 22, 2015 that is valid until October 22, 2018 and a copy of the approved plan was attached.

c. **Subdivision Review**—The following summarized comments are provided:

- (1) The subject property is known as Lot 3 in the Allentown Plaza Subdivision. The Allentown Plaza Subdivision was recorded on July 24, 1968 as WWW69@5. The bearings, distances, and lot size shown on the submitted DSP are consistent with the record plat and must be accurately reflected as such on the permit plans, or permits will be placed on hold until the plan are corrected.
- (2) The property is located on Tax Map 98 in Grid B-4, and is approximately 20,400 square feet.
- (3) There is no increase in gross floor area proposed with this application. As a result, a new preliminary plan of subdivision is not required at this time pursuant to Section 24-111(c) of the Subdivision Regulations.

d. **Transportation**—The following summarized comments are provided:

- (1) The day care center is expected to generate 38 AM and 38 PM peak-hour trips. A portion of these, 40 percent, are pass-by trips, i.e. vehicles already on Allentown Road. The projected number of trips reflects the pass-by rate. This information is provided for informational purposes only as there is no trip cap associated with the site.
- (2) Access to the site will be provided by two existing commercial entrances on Allentown Road and Allentown Way. There are sidewalks on both roadways and on-site parking. There is a traffic signal at Allentown Road and Allentown Way, which will improve traffic flow for vehicles entering and exiting the site. Access and circulation are adequate although it appears that the parking spaces should be repainted.
- (3) The site is adjacent to Allentown Road, which is a master plan arterial roadway listed in the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* with a right-of-way width of 115 feet. No new development is proposed in the master plan right-of-way. Allentown Way, a non-master plan roadway, is shown on the site plan with 70 feet of right-of-way.
- (4) The site plan was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Central Branch Avenue Corridor Revitalization Sector Plan* (Central Branch Avenue Corridor Sector Plan) in terms of master plan trails and bikeways. Since the site does not require a preliminary plan it is not subject to Section 24-124.01 of the Subdivision Regulations or the “Transportation Review Guidelines, Part 2, 2013,” which are used for evaluating the adequacy of bicycle and pedestrian facilities.

There are three master plan bikeways planned on Allentown Road and/or Allentown Way. A bike lane is planned on Allentown Way. A side path and bike lane are planned on Allentown Road. These would be implemented as part of any future road improvements by the County. At this time, there are no Capital Improvement Projects planned on either roadway. There are no existing bike lanes or side paths on these roadways today. There are existing sidewalks on both sides of Allentown Road and Allentown Way and around the existing building on the site. Because no new construction is proposed, additional frontage improvements are not warranted and the requirements of the design guidelines are not triggered.

No frontage improvements are being proposed by the applicant that would impact any future bike lanes or side paths.

- (5) Overall from the standpoint of transportation, it is determined that this plan is acceptable and meets the finding required for a detailed site plan as described in the Zoning Ordinance.
- e. **Permit Review**—Comments have either been addressed in revisions or are included as conditions in the approval of this application.
- f. **Historic Preservation**—The proposal will have no effect on any historic sites, historic resources, or known archeological sites. A Phase 1 archeology survey is not recommended.
- g. **Prince George’s County Police Department**—The Police Department did not provide comment on the subject application.
- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated November 21, 2016, DPIE provided the following summarized comments:
- (1) DPIE has no objection to the proposed DSP.
 - (2) Right-of-way dedication and frontage improvements are required for Allentown Road.
- Because no new construction is proposed, frontage improvements are not warranted.
- (3) Conformance with DPW&T street tree and street lighting specifications is required.
 - (4) Sidewalk ramps are required at all intersections with sidewalks.

- (5) The DSP meets the intent of the approved Stormwater Management Concept Plan No. 33899-2015, dated October 15, 2015 and is valid until October 15, 2018.
- i. **Prince George’s County Health Department**—The Health Department did not provide comment on the subject application.
 - j. **Maryland State Highway Administration (SHA)**—SHA did not provide comment on the subject application.
 - k. **Prince George’s County Fire/EMS Department**—The Fire/EMS Department did not provide comment on the subject application.
 - l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC did not provide comment on the subject application.
 - m. **Verizon**—Verizon did not provide comment on the subject application.
 - n. **Potomac Electric Power Company (PEPCO)**—PEPCO did not provide comment on the subject application.
 - o. **Town of Morningside**—The Town of Morningside did not provide comment on the subject application.
12. Based on the foregoing analysis and as required by Section 27-285(b)(1) 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 costs and without detracting substantially from the utility of the proposed development for its intended use.
13. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a detailed site plan:
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

There are no regulated environmental features located on the subject site, therefore, this requirement does not apply.

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-15025, subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made or information provided:
 - a. Provide one van-accessible parking space dimensioned 16 feet in width by 19 feet in length.
 - b. Provide a minimum of 22 feet between the accessible parking space and the drop-off area.
 - c. Provide directional signage details indicating one way access.
 - d. Revise General Note 32 on Sheet 1 of 4 to reflect the correct section for day care requirements (Section 27-464.02) and delete the note regarding a required variance.
 - e. Provide a ramp or depressed curb for the sidewalk connection between the parking area and the building entrance.
 - f. Indicate the sidewalk width.
 - g. Demonstrate compliance with the approved Alternative Compliance site plan AC-91082-01, or the requirements of the current 2010 *Prince George's County Landscape Manual*.
 - h. If additional plantings are required and proposed to bring the site into conformance with the previously approved alternative compliance (AC) application, then a Section 4.9 schedule shall be provided.
 - i. Add the following general notes:
 - (1) "No more than 39 children shall use the play area at one time."
 - (2) "Resilient flooring in accordance with the standards of the American Society for Testing and Materials (ASTM) shall be provided in the proposed outdoor play area where play equipment will be installed."
2. Prior to issuance of any use and occupancy permit, the applicant shall provide one-way pavement marking arrows on-site as shown on the site plan.

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 Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, December 15, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of January 2017.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

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