

C O R R E C T E D 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 June 21, 2007, regarding Detailed Site Plan DSP-07008 for Tree of Life Child Development and Learning Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care center for 85 children in an existing church building in the R-R Zone. (A before- and-after-care recreational program for 40 children will also be conducted in the church, but that use is not subject to detailed site plan approval.)

2. **Development Data Summary:**

	Existing	Proposed
Zone	R-R	R-R
Uses	Church	Church and Daycare center for children
Acreage (in the subject SDP)	4.54	4.54

3. **Location:** The subject daycare is proposed to be located in Providence Baptist Church, located at 5607 Crain Highway in Upper Marlboro.
4. **Surroundings and Use:** The subject site is surrounded by a Board of Education football field to the northeast, undeveloped residentially zoned land to the southwest, Old Crain Highway to the south, with vacant land beyond and vacant land to the northwest.
5. **Previous Approvals:** The proposed project is subject to the requirements of Preliminary Plan of Subdivision 4-86132, approved September 18, 1986 and formalized in PGCPB Resolution 4-86132.
6. **Design Features:** The proposed daycare would be accessed from a single existing access-point from Old Crain Highway that leads to an existing 1 story 16,400 square foot church, with a 2,400 fellowship hall located to its rear. A 3,500 square foot proposed outdoor play-area surrounded by a 4-foot high chain link fence would be provided for the daycare.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject detailed site plan is in general compliance with Sections 27-441, Uses Permitted in Residential Zones, and Section 27-442, Regulations for Development in

Residential Zones. In addition, the project is in conformance with Section 27-445.03, Day Care Centers for children. The following lists each requirement of Section 27-445.03 and offers staff comment regarding how the subject application meets that requirement:

Sec. 27-445.03. Day care center for children.

(a) A day care center for children permitted (P) in the Table of Uses shall be subject to the following:

(1) Requirements.

(A) An ample outdoor play or activity area shall be provided, in accordance with the following:

Staff Comment: A 3,500 square foot play area has been provided to the rear of the existing fellowship hall.

(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;

Staff Comment: The 3,500 foot play area is greater than 50 percent of the students multiplied by 75 square feet which would be reached by the following calculation $43 \times 75 = 3,225$ square feet.

(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;

Staff Comment: The outdoor play area is located further than 25 feet from all property lines (27 feet from the nearest property line) so it could not be within 25 feet of a residence on an adjacent lot, though the nearest adjacent parcel is undeveloped land.

(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;

Staff Comment: This requirement is in the Planning Board's discretion, though staff would not recommend a greater setback in this case as its proposed location a minimum of 27 feet from any property, which is undeveloped, would appear to be sufficient to protect the health and safety of the children utilizing the play area.

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

Staff Comment: There are two mature red maple trees located in the proposed outdoor play area that should ensure sufficient shade during the warmer months.

- (v) 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**

Staff Comment: Note #4 on the plans indicates that the outdoor play area shall be used only during daylight hours, so this requirement is not applicable to the subject project.

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

Staff Comment: A recommended condition below would require that the applicant add a note to the plans that the hours of use of the outdoor play area shall be limited not only to daylight hours, but also to the above stipulation.

(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.**

Staff Comment: Should the proposed detailed site plan be approved by the Planning Board, this requirement would be complied with.

- (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.**

Staff Comment: All the above information is shown on the submitted detailed site plan.

8. **Landscape Manual:** The project is exempt for the otherwise applicable sections of the *Landscape Manual* as follows:
 - The project is exempt from the requirements of Section 4.2 (Commercial and Industrial Landscaped Strip Requirements) because it involves an increase of not more than ten percent (10%) of the gross floor area of an existing building as of January 1, 1990.
 - The project is exempt from the requirements of Section 4.3 (Parking Lot Requirements) because it involves an expansion or change of use which does not necessitate an increase in the number of parking or loading spaces beyond the number currently existing.
9. **Woodland Conservation Ordinance:** The subject site has been issued a Letter of Exemption from the requirements of the Prince George's County Woodland Conservation Ordinance. Such letter of exemption was issued on March 23, 2007 and will be valid until March 23, 2009. That letter states that because the proposed detailed site plan shows no clearing of woodland for daycare use in an existing church, it is exempt. Further it says that the subject property will continue to be exempt until such time as the cumulative woodland disturbance exceeds 5,000 square feet during any five year period or the site is required to go through the subdivision process. The site currently has in excess of 10,000 square feet of existing woodland and is larger than 40,000 square feet in area. If more than 5,000 square feet of woodlands is removed, the issued Letter of Exemption would be declared null and void and the applicant would be required to have a Type II Tree Conservation Plan prepared.
10. **Preliminary Plan of Subdivision 4-86132:** Staff has reviewed the requirements of Preliminary Plan of Subdivision 4-86132 and found the requirements not directly relevant to the subject application except for a statement that it may be subject to stormwater management requirements. In fact, the property is subject to an approved stormwater concept plan and the Department of Public Works and Transportation has stated that the subject plan is in conformance with the approved stormwater concept.
11. **Referral Comments:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—In comments offered May 9, 2007, the proposed daycare center for children would have no effect on historic resources.
 - b. **Archeological Review**—In a memorandum dated May 16, 2007, the staff archeologist stated that a Phase I archeological survey is not recommended on the property because a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicated that the probability of archeological sites within the subject property is low. Further, she stated that aerial photographs indicate that the building on the property was placed there between 1938 and 1965, with the surrounding parking lots added at a later date. In sum, she stated that the entire subject property has been extensively impacted by recent construction and it is unlikely that any

undisturbed archeological sites will be identified. In closing, she noted that the applicant should be aware that there are numerous National Register properties, Historic Sites, and Historic Resources within a one-mile radius of the subject site including two historic sites, the Brooke-Herring House (79-19-45) and the Old Site of an Overseer's House (79-29), which are located on adjoining properties and six historic archeological sites located within a one-mile radius of the subject property.

- c. **Community Planning**—In a memorandum dated May 22, 2007, the Community Planning Division indicated that the Tree of Life Child Development and Learning Center is in conformance with the 2002 General Plan Development Pattern policies for the Developing Tier and that the development proposal conforms to the 1993 *Subregion VI Study Area Master Plan* the applicable master plan because it provides a needed public service and public services are specifically encouraged by the plan.
- d. **Transportation**—In referral comments dated May 8, 2007, the Transportation Planning Section, noting that Old Crain Highway is an existing 80-foot right-of-way and that the use is proposed within existing buildings, stated that underlying preliminary plan 4-86132 contains no transportation-related conditions nor trip caps. Hence, there are no transportation-related issues connected with the subject project.
- e. **Subdivision**— In a memorandum dated May 24, 2007, the Subdivision Section stated that the property was originally platted in a 2.9 acre configuration in 1962 as Lot 1, Marlboro Baptist Church (Plat Book 43, Plat 23), though a later Preliminary Plan of Subdivision (#4-86132) added 1.6 acres to the rear of the property. They noted that that addition brought the site to its 4.6 acre size, reflected in a record plat, recorded in 1987 in Plat Book NLP 135, Plat 90. They noted that neither the preliminary plan nor the record plat had conditions or notes. In closing, they stated that because the applicant is not proposing any new square footage as part of this application, the site is exempt from the need for further subdivision.
- f. **Trails**—In a memorandum dated May 21, 2007, the senior trails planner stated that the Adopted and Approved Subregion VI Master Plan recommends two trail/bike facilities in the immediate vicinity of the subject site. The first is the planned Chesapeake Beach Railroad Trail, on an adjacent property that does not impact the subject application. The second is a bikeway along Old Crain Highway's open section frontage that has no sidewalks in the vicinity of the subject site. With respect to the second bikeway, however, he said that since the subject application proposes to use an existing church and proposes no new construction, no road frontage improvements nor signage would be required. In the alternative, he suggested that signage, paved shoulders, and bicycle compatible striping can be considered through a future DPW&T road improvement or maintenance project.
- g. **Permits**—In a memorandum dated May 7, 2007, the Permit Review Section offered numerous comments that have either been addressed by revisions to the plans or in the

recommended conditions below, except for the issue of the proposed use of the project. Since a tutoring establishment is not a permitted use in the residential zone the project is located in, all reference to such use would be deleted from plans and application materials pursuant to a recommended condition below.

- h. **Environmental Planning**—In comments dated May 16, 2007, the Environmental Planning Section, noting that there are no streams, wetlands and floodplain on the site and no noise issues associated with the project, stated that the applicant is exempt from the Prince George’s Tree and Woodland Conservation Ordinance.
 - i. **Fire Department**— In a memorandum dated June 2, 2007, the Prince George’s County Fire and Emergency Medical Services Department offered information regarding required accesses for fire apparatuses, private road and fire lane design and the location and performance of fire hydrants.
 - j. **Department of Public Works and Transportation (DPW&T)**— In an email dated May 21, 2007, the DPW&T stated that the proposed project would not impact the existing stormwater management for the subject site.
 - k. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated May 16, 2007, WSSC, noting that the applicant would have to apply for a plumbing permit if adding fixtures, stated that water and sewer service are available to the site.
 - l. **The Maryland Department of Human Resources, Child Care Licensing Office**—The Maryland Department of Human Resources, Child Care Licensing, in a fax received May 24, 2007, stated that they had no concerns other than the age of the building and it conforming to the current standards and licensing codes.
 - m. **The Maryland State Highway Administration (SHA)** – In a letter dated May 16, 2007, SHA stated that they had no objection to the application as submitted and that it appeared that parking and on site circulation were adequate.
 - n. **The Town of Upper Marlboro**- At the time of this writing, the Town of Upper Marlboro has not offered comment on the subject project.
12. 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-07008, subject to the following conditions:

1. Prior to certification of the plans for the project, the following revisions shall be made or additional information submitted:
 - a. The applicant shall provide correct lot coverage calculations on the plans.
 - b. All references to a tutoring establishment shall be removed from the plans and application materials.
 - c. Applicant shall add a note to the plans limiting use of the outdoor play area from 7AM to 9PM.
 - *d. The fence enclosing the play area shall measure five (5) feet high.

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 Cavitt, with Commissioners Squire, Cavitt, and Parker voting in favor of the motion, and with Commissioners Vaughns and Clark absent at its regular meeting held on Thursday, June 21, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of June 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:RG:bjs

*Denotes Correction
Underlining indicates new language