

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 July 26, 2012 regarding Detailed Site Plan DSP-10031 for Greater Saint John Church—Community Daycare Center, the Planning Board finds:

1. **Request:** The subject application requests approval of a day care facility for 75 children within an existing 30,000-square-foot church building. The day care facility for 75 students would be operated within the existing church. No new square footage is proposed to be constructed.
2. **Location:** The property is located 8,000 feet west of the intersection of Old Marlboro Pike and Ritchie Marlboro Road. The site is located in Council District 6 and Planning Area 78 in the Developing Tier. The property address is 11425 Old Marlboro Pike, Upper Marlboro, Maryland.
3. **Surrounding Uses:** The neighboring properties to the north of the site are zoned Residential Suburban Development (R-S) and Rural Residential (R-R) and are developed with single-family dwellings. The neighboring properties to the south across Pennsylvania Avenue (MD 4) are zoned Residential-Agricultural (R-A) and are developed with single-family dwellings. The neighboring property to the west is zoned R-R and is currently undeveloped. The neighboring property to the east is zoned Residential-Estate (R-E) and is also currently undeveloped.
4. **Previous Approvals:** The site has a recently approved Preliminary Plan of Subdivision, 4-11027, and the resolution was adopted by the Prince George's County Planning Board on May 31, 2012 (PGCPB Resolution No. 12-36). The preliminary plan is valid until May 31, 2014.

Previous approvals of Preliminary Plan of Subdivision 4-02115 and Special Exception SE-3123 have limited relevance to the subject application. Further discussion is provided as follows:

- a. The site was developed pursuant to Preliminary Plan 4-02115 for Saint John Freewill Baptist Church. That preliminary plan was approved and the resolution adopted by the Planning Board on March 27, 2003 (PGCPB Resolution No. 03-39). The site was recorded in Plat Book REP 198-31 on December 4, 2003. Approval of 4-11027 supersedes the approval of 4-02115. A new final plat should be recorded prior to approval of a use and occupancy permit for the proposed day care.
- b. The property has a previously approved special exception. Special Exception SE-3123, Loyal Order of Moose, was approved and the resolution adopted by the Planning Board on January 18, 1990 (PGCPB Resolution No. 90-18) and subsequently approved by the District Council. The special exception was approved for the use of a private club. As the

site is no longer used for a private club, Special Exception SE-3123 is not applicable to the subject DSP.

5. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	Church	Church and Day Care Center
Acreage	24.12	24.12
Gross Floor Area (GFA)	30,000 sq. ft.	30,000 sq. ft.

Total Parking Required: **385 spaces**
 Church with 1,500 seats (1 space per 4 seats) 375 spaces
 Day Care for 75 children (one space per 8 children) 10 spaces

Parking Provided: **approximately 399 spaces***

Loading Spaces Required: 1 space
 (for an institutional use with a GFA between 10,000 square feet and 100,000 square feet)

Loading Spaces Provided: 1 space

*The submitted plan has some legibility issues and the parking provided cannot be easily discerned. Prior to signature approval of the DSP, the plan shall be revised to provide a clear account of the provided parking, and demonstrate that the parking meets the minimum requirements of Section 27-568, Schedule (number) of spaces required, of the Zoning Ordinance.

6. **Design Features:** The subject DSP proposes a day care center with a maximum total enrollment of 75 children within an existing 30,000-square-foot church building. The provided floor plan indicates that the area of the day care center is approximately 3,376 square feet, and it is located near the center of the church building between the existing sanctuary and existing office space. The day care center is temporarily operational. A final use and occupancy permit shall not be issued without the subject approval.

A 4,135-square-foot, fenced play area to serve the day care exists on the south side of the existing church building. The play area is separated from the church building by a 22-foot-wide drive aisle that encircles the building. Walkways exist to the church building and to the play area, but a striped crosswalk shall also be provided across the drive aisle to connect the provided walkways and to provide notification to motorists in this area that this is a pedestrian crossing.

7. **Conformance to the applicable sections of the Zoning Ordinance:** As approved with conditions, the Planning Board finds that the DSP is in conformance with Section 27-428, R-R

Zone (Rural Residential); Section 27-441, Uses Permitted; and Section 27-442, Regulations, of the Zoning Ordinance. The proposed day care center is a permitted use in the R-R Zone.

- a. Section 27-445.03(a) of the Zoning Ordinance sets forth additional required findings for a day care center for children, 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;**

According to this requirement, a minimum 2,850-square-foot play area is required for 38 children, approximately 50 percent of the proposed licensed capacity of the proposed 75-child day care center. The site plan indicates that a 4,135-square-foot play area is provided. The 4,135-square-foot play area is adequate in size for 55 children, approximately 73 percent of the licensed capacity. Prior to certificate approval of the DSP, the playground area notes shall be revised to indicate that a minimum 2,850-square-foot play area is required for 38 children, approximately 50 percent of the proposed licensed capacity. The site plan shall also note that no more than 55 children may utilize 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 Planning Board finds that the outdoor play area is located on the same lot as the day care center, and it is not located within 25 feet of any dwelling. The location and height of a minimum four-foot-high fence or wall shall be clearly indicated on the DSP prior to signature approval. A detail of any proposed fencing shall be provided on the site plan prior to signature approval.

- (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 Planning Board finds that a greater setback or higher fence is not a requirement for approval.

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

There are existing areas of woodland bordering the south side of the entire play area. The Planning Board finds that these woodlands provide sufficient shade during the warmer months to afford protection from the sun.

(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

Lighting of the play area is not proposed, and hours of the play area are not provided on the DSP. The play area hours shall be provided on the DSP, and additional lighting shall be provided if it is used before or after daylight hours.

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

A note shall be provided on the site plan, limiting the hours of operation for the day care 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 this Section.

This application has been filed to fulfill this requirement.

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

(i) The proposed enrollment;

The proposed enrollment of 75 children is provided on the DSP.

(ii) The location and use of all buildings located on adjoining lots;

This information has been provided on the plans.

(iii) The location and size of outdoor play or activity areas; and

The Planning Board finds that the location and size of the proposed outdoor play areas are generally shown on the plans and are found to be adequate. The location of the play area shall also be indicated on the provided landscape plan.

(iv) The location, quantity, and type of screening and landscaping.

In general, landscaping information is provided on the submitted site and landscape plans.

- b. The subject application includes the proposal for a freestanding sign. Signs for institutional uses are governed by Section 27-617 of the Zoning Ordinance, as follows:

Section 27-617. Institutional—Other than Temporary.

- (a) In any zone (except Comprehensive Design and Mixed Use Zones) where a church; library; school; hospital; fire station; community center; day care center for children; service, fraternal, or civic organizations; or other similar institution is allowed, a sign may be erected. Institutional signs shall meet the following design standards:**

- (1) Maximum area for each sign - 48 square feet.**
- (2) Maximum height - 8 feet above finished grade at base of sign.**
- (3) Minimum setback - 15 feet from adjoining land in any Residential Zone (or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone).**
- (4) Type allowed - freestanding or attached to a building.**
- (5) Maximum number - 1 per street the property fronts on (must face street frontage).**

The Planning Board finds that the proposed sign is eight feet in height and has a sign area of 40 square feet, which meets the sign standards contained in the Zoning Ordinance.

Section 27-617 states that an institutional use, such as a church, may only have one freestanding sign per street upon which the property fronts. The subject application indicates the location of one existing freestanding sign, and review of site images indicates that there are two existing freestanding signs, one of which appears to be more temporary in nature. As only one freestanding sign is permitted, the application shall be revised to indicate that the proposed sign will replace any existing signage along the frontage. Existing signage shall be noted to be removed, and the location of the proposed freestanding sign shall be indicated on the DSP prior to signature approval. The proposed sign detail shall also be provided on the DSP.

8. **Conformance to the requirements of Preliminary Plan of Subdivision 4-11027:** The site is the subject of approved Preliminary Plan of Subdivision 4-11027, and the resolution was adopted by the Planning Board on May 31, 2012 (PGCPB Resolution No. 12-36). The preliminary plan is valid until May 31, 2014. The preliminary plan has not been signature approved. A final plat for the subject property must be accepted by The Maryland-National Capital Park and Planning Commission (M-NCPPC) before the preliminary plan expires or a new preliminary plan is required. The DSP shows one lot. The preliminary plan is approved for one parcel. The DSP should be revised to show the site as Parcel 1.

The resolution of approval (PGCPB Resolution No. 12-36) contains 12 conditions. The following conditions in **bold** relate to the review of this application:

1. **Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made...**

The preliminary plan of subdivision has not been signature approved. The technical corrections do not affect the DSP. The preliminary plan shall be signature approved before certification of the DSP. The preliminary is valid until May 31, 2014.

4. **Prior to signature approval of the preliminary plan, the revised approved stormwater management concept plan and approval letter shall be submitted. The stormwater management design shall be consistent with the preliminary plan and TCPI.**

The preliminary plan has not been signature approved. General Note 13 on the DSP shall be revised consistently with the information provided on the preliminary plan. The concept number and approval date of the stormwater management concept plan, or more detailed information regarding an exemption, shall be added to General Note 13.

5. **Prior to the approval of the detailed site plan, a bike parking facility shall be provided on the site plan.**

A bike rack detail has been shown on the DSP.

- 6. Prior to approval of the detailed site plan, the appropriate width and treatment of a scenic easement shall be provided to address: protection of significant visual features; preservation of existing woodlands; afforestation of the scenic easement; limiting of access points; and supplemental landscaping appropriate to conserve and enhance the viewshed of the historic road.**

The landscape plan does not include a scenic easement. At the time of preliminary plan, it was determined that a scenic easement should be delineated along the site's frontage on Marlboro Pike to preserve the scenic viewshed along the historic road. The scenic easement, with an average minimum width of 40 feet, was discussed at the time of preliminary plan to preserve some of the key vegetative features along the site's frontage. The Planning Board agrees that a 40-foot scenic easement would provide the most protection of the visual features along the site's frontage in the future. Prior to certification of the DSP, a scenic easement with an average width of 40 feet shall be indicated on the DSP. The easement shall be located outside of the ultimate right-of-way and exclude the public utility easement (PUE). It is acknowledged that some elements have already been constructed within the desired scenic easement, so the average width for the scenic easement shall not include those existing elements of the parking lot and drive aisle that exist.

- 7. Any residential development of the subject property shall require approval of a new preliminary plan of subdivision prior to the approval of any building permits.**

The DSP is proposing a day care within the existing church for the subject property. Residential development is not being proposed with this DSP; therefore, a new preliminary plan of subdivision is not required.

- 8. At time of final plat, a scenic easement shall be established in accordance with the approved DSP adjacent to Old Marlboro Pike (MD 725), and a note shall be placed on the final plat as follows:**

“Old Marlboro Pike is a county designated Historic Road and a state designated Scenic Byway. The scenic easement described on this plat is an area the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches or trunks is allowed.”

Conformance to Condition 8 will be addressed at the time of final plat by showing the scenic easement that is established with this DSP.

- 9. At the time of final plat, the applicant shall grant a ten-foot public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision.**

The approved preliminary plan will show a ten-foot-wide PUE along Old Marlboro Pike and Pennsylvania Avenue (MD 4) once signature approval is obtained. The DSP shall label the ten-foot-wide PUE along Old Marlboro Pike.

- 10. Total development within the subject property shall be limited to equivalent development which generates no more than 36 AM, 35 PM, and 190 Sunday peak-hour vehicle trips. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

Using current trip generation rates, the Planning Board finds that the site with the church and the day care uses would generate weekday travel as follows:

Church (30,000 square feet): 15 AM, 14 PM on weekdays

Day Care (75 students): 61 AM, 61 PM on weekdays, less 65 percent pass-by and diverted trips, for a net new trip total of 21 AM, 21 PM.

Total: 36 AM, 35 PM on weekdays

The total trip generation for the site is fully consistent with the approved trip cap.

- 11. The final plat shall reflect that direct vehicular access to Pennsylvania Avenue (MD 4) is denied.**

This condition denies direct access from the site to MD 4, and this plan complies.

- 12. An automatic fire suppressing system shall be provided in all new buildings proposed on property unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

Conformance to Condition 12 will be addressed at the time of building permits. A note shall be added to the DSP reflecting this condition.

9. **2010 Prince George's County Landscape Manual:** The Planning Board finds that this application is not subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposal to use a portion of the existing building to operate a day care center for children 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 any building's gross floor area (GFA). A note stating the site's exemption from the requirements of the Landscape Manual shall be provided on the site plan prior to signature approval.

While the subject application is exempt from the requirements of the Landscape Manual at this time, due to the limited nature of the proposal, it is important to note that this segment of Old

Marlboro Pike is a scenic roadway. At the time of future building and grading permits, the site will be evaluated for compliance with the requirements of Section 4.6 of the Landscape Manual, which contains planting requirements along designated scenic and historic roads. Required planting shall be located within the scenic easement delineated within the subject DSP. No additional plantings within the scenic easement shall be required at this time.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that this property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the gross tract area is greater than 40,000 square feet, the existing woodland is greater than 10,000 square feet, and a previously approved tree conservation plan exists. A number of modifications are needed to the submitted Type 2 Tree Conservation Plan, TCP2-063-03/01, prior to certificate of approval. Conditions addressing all of the Type 2 tree conservation plan (TCP2) deficiencies have been incorporated into the subject resolution.

11. **Tree Canopy Coverage Ordinance:** The current proposal is not subject to a grading permit; therefore, the subject application is exempt from the requirements of the Tree Canopy Coverage Ordinance.

12. **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**—This application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developing Tier.

The 2007 *Approved Westphalia Sector Plan and Sectional Map Amendment* classified the property in the R-R Zone. The Planning Board finds that the DSP conforms to the land use recommendations of the approved master plan for institutional land use.

b. **Environmental Planning**—The Planning Board adopts the following:

(1) **Site Description:** This 24.74-acre property in the R-R Zone is located on the south side of Old Marlboro Pike at its intersection with Brooklee Drive. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on the property. Transportation-related noise impacts associated with Pennsylvania Avenue (MD 4) have been found to impact this property. The soils found to occur according to the *Prince George's County Soil Survey* (1967) include Westphalia fine sandy loam and Westphalia-Evesboro complex which have no significant limitations which would affect the development of this property. According to available information, Marlboro clay is not found to occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no records

of rare, threatened, or endangered species found to occur on or in the vicinity of this property. Old Marlboro Pike which runs adjacent to this site is a county-designated historic road and a state-designated scenic byway (The Star-Spangled Banner Scenic Byway), which is being proposed by the National Park Service (NPS) as an All-American Road. This property is located in the Western Branch watershed of the Patuxent River basin and in the Developing Tier as reflected in the adopted General Plan.

- (2) **Noise Impacts:** Transportation-related noise impacts have been found to impact this property, and the existing playground which is proposed for use by the day care appears to be located within the 65 dBA Ldn noise contour. Based on the ultimate build-out traffic volume for Pennsylvania Avenue (MD 4) at this point of 81,500 average daily trips (ADT), the 65 dBA Ldn noise contour associated with MD 4 extends approximately 507 feet from the centerline of the road.

The 65 dBA Ldn noise contour line is shown on the previously approved TCPII plan, and also needs to be added to the DSP.

The topographic character of the site has been evaluated to determine noise impacts on the playground. The elevation of the westbound lane of MD 4 adjacent to the site is 160 feet. The playground elevation is 170 feet. Between the roadway and the playground, the site rises up to 178 feet elevation, which effectively forms a berm that shields the playground from the noise emanating from the road and provides appropriate noise mitigation.

- (3) **Old Marlboro Pike Scenic and Historic Road:** Old Marlboro Pike Road has been designated a historic road in the Countywide Master Plan of Transportation (MPOT), and a scenic byway by the Maryland State Highway Administration (SHA). The functional classification for Old Marlboro Pike adjacent to this site is as a collector road.

A simplified inventory of significant visual features for the right-of-way and site was submitted as a baseline for the review of the scenic/historic road viewshed. The submitted information consisted of 22 photographs of the site. Although they were unlabeled, the photographs were found to be sufficient to evaluate the existing viewshed.

On this site, 50 percent of the existing viewshed is comprised of mature woodlands with a minimum width of 200 feet, which will be retained under the current application. The other half of the site consists of a landscape strip, consisting of mixed evergreen and deciduous trees with a varying width of zero feet behind the ultimate right-of-way to 100 feet, and an existing parking lot.

To preserve the scenic viewshed along the historic road, a scenic easement, with an average minimum width of 40 feet located outside of the ultimate right-of-way and exclusive of public utility easements, shall be delineated on the DSP and the TCP2. It is acknowledged that some elements have already been constructed within the most desirable scenic easement, so the average width for the scenic easement shall not include those existing elements of parking lot and drive aisle. Within the delineated scenic easement, protection of visual quality elements, preservation of existing woodlands, afforestation of the scenic easement, limiting of access points, and supplemental landscaping may be appropriate to conserve and enhance the viewshed of the historic road and complement the desired character.

- c. **Transportation Planning**—Access and on-site circulation are acceptable, and are not proposed to be changed. Old Marlboro Pike is a master plan collector, and adequate dedication of 40 feet from centerline was completed subsequent to the review of the prior preliminary plan.

The subject property was given subdivision approval pursuant to a finding of adequate transportation facilities made in 2012 for Preliminary Plan of Subdivision 4-11027.

- d. **Subdivision Review**—Recently approved Preliminary Plan of Subdivision 4-11027 has not been signature approved, therefore, prior to certification of the DSP, Preliminary Plan 4-11027 shall obtain signature approval.

- e. **Permit Review**—The Permit Review Section offered the following comments:

- (1) Footnote 34 of the use tables requires that the church provide its tax exempt identification number when applying for a DSP for an accessory day care.
- (2) A day care is permitted with a DSP as an accessory use to the church. A floor plan must be provided demonstrating the square footage of each.
- (3) The loading space must be clearly delineated on the site plan.
- (4) Dumpster details are shown on attached sheet; however, the location of the dumpster must be demonstrated on the site plan.
- (5) The existing parking schedule must be updated to include both uses on the property.

All of the plan deficiencies described by the permit planner have been addressed through plan revisions or incorporated into the conditions of approval.

- f. **Maryland Department of Human Resources**—At the time of the writing of this resolution, the Maryland Department of Human Resources had not provided comments on the subject application.
 - g. **Westphalia Sector Development Review Advisory Council**—The DSP was referred to the Westphalia Sector Development Review Advisory Council (WSDRAC) for review and comment. As of the writing of this resolution, no response has been received.
13. Based on the foregoing and as required by Section 27-285(b)(1) of the Zoning Ordinance, the Planning Board finds that 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.
14. As required by Section 27-285(b)(4) of the Zoning Ordinance, the detailed site plan demonstrates that regulated environmental features have been preserved and/or restored to the fullest extent possible.

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 Type 2 Tree Conservation Plan (TCP2-063-03/01) and further APPROVED Detailed Site Plan DSP-10031 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the detailed site plan, the following revisions shall be made, or information shall be provided:
 - a. The plan shall be revised to provide a parking schedule for required and provided spaces.
 - b. The gross floor area of the church and day care shall be provided on the detailed site plan.
 - c. The location of the day care within the church, including major points of entry, shall be indicated on the detailed site plan.
 - d. A striped crosswalk shall be provided across the drive aisle on the south side of the building to connect the walkway from the church to the walkway to the play area.
 - e. The location and square footage of the play area shall be provided on the landscape plan.
 - f. The playground area notes shall be revised to indicate that a minimum 2,850-square-foot play area is required for 38 children, approximately 50 percent of the proposed licensed capacity, and that no more than 55 children may utilize the play area at one time.

- g. The location and height of a minimum four-foot-high fence or wall shall be clearly indicated on the detailed site plan around the play area. A detail of any proposed fencing, noting materials and colors, shall be provided.
- h. The hours of operation of the play area shall be provided on the site plan prior to signature approval. Adequate lighting shall be provided around the play area if the play area is to be used before or after daylight hours.
- i. A note shall be provided on the site plan limiting the hours of operation for the day care between 7:00 a.m. and 9:00 p.m.
- j. The proposed enrollment of the day care for 75 children shall be provided within the site plan notes.
- k. The location of the play area shall be indicated on the provided landscape plan.
- l. A detail of the proposed sign shall be provided on the detailed site plan.
- m. The application shall be revised to indicate that the proposed sign will replace any existing signage along the frontage. Existing signage shall be noted to be removed, and the location of the proposed freestanding sign shall be indicated on the site plan and landscape plan.
- n. The detailed site plan shall be revised to show the site as Parcel 1.
- o. The concept number and approval date of the stormwater management concept plan, or more detailed information regarding an exemption, shall be added to General Note 13.
- p. In consultation with Urban Design and Environmental Planning staff, the detailed site plan and Type 2 tree conservation plan shall be revised to delineate a scenic easement with an average width of 40 feet, free of public utility easements, existing site elements, and proposed signage, adjacent to the ultimate right-of-way of Old Marlboro Pike.
- q. The detailed site plan shall label the ten-foot-wide public utility easement along Old Marlboro Pike.
- r. A note stating the site's exemption from the requirements of the 2010 *Prince George's County Landscape Manual* shall be provided on the site plan.
- s. The location of the dumpster shall be demonstrated on the site plan.
- t. An erroneous shed location shall be removed from the drive aisle on the landscape plan.
- u. The location of the existing playground shall be shown on the detailed site plan and Type 2 tree conservation plan.

- v. The location of the 65 dBA Ldn noise contour line shall be shown on the detailed site plan and Type 2 tree conservation plan.
2. Prior to certification of the detailed site plan, the preliminary plan and Type 1 tree conservation plan (TCP1) shall be certified. Revisions required for the certification of the preliminary plan and TCP1 may result in additional revisions to the detailed site plan and Type 2 tree conservation plan to find technical conformance.
 3. Prior to certification of the detailed site plan, the approved Type II Tree Conservation Plan, TCPII-063-03/01, shall be used as a base and shall be revised as follows:
 - a. Show the additional clearing that occurred for the playground installation.
 - b. Woodland conservation areas proposed on the site shall be reconfigured so that the woodland conservation areas credited only include those areas that are 50 feet wide or greater and are larger than 10,000 square feet. Areas less than 50 feet in width shall be indicated using the “woodland retained—not part of requirement” graphic that was previously used on this plan. The woodland conservation areas provided in preservation shall be equal to the woodland conservation requirements for the site.
 - c. A complete legend shall be provided which includes all graphic elements shown on the plan, and the labels shall match the standard names used in the Environmental Technical Manual.
 - d. Woodland conservation areas on the site shall be relabeled by woodland conservation methodology and size consistent with the Environmental Technical Manual. “Tree save” shall be relabeled “woodland preserved.”
 - e. The existing tree limit on the site shall be confirmed to match the presumed limit of disturbance shown on the approved Type II tree conservation plan and the area of additional clearing for the playground area and the footprint of the playground shall be indicated on the plan.
 - f. After the limit of disturbance (LOD) is revised, the amount of total clearing shall be determined, and the LOD shall be revised on the plan.
 - g. All of the applicable standard type 2 tree conservation plan notes from the Environmental Technical Manual shall be provided on the plan, and those that are outdated shall be removed.
 - h. The notes shall include a statement that Old Marlboro Pike is a county-designated historic road and part of the state-designated Star-Spangled Banner Scenic Byway.

- i. The woodland conservation area shall not include the public utility easement along the frontage on Old Marlboro Pike.
 - j. The Owner's Tree Conservation Certificate shall be signed by the current owner or representative of the property.
 - k. The required scenic easement shall be delineated on the plan and the location of any proposed signage shall be shown so that the easement and the signage are not in conflict. Because Old Marlboro Pike is a designated historic road, the proposed signage shall be approved as part of the current detailed site plan application.
 - l. Updated details for the temporary tree protection device, woodland conservation signage, and woodland conservation signage mounting shall be provided.
 - m. After the additional clearing is calculated, the woodland conservation worksheet shall be revised in the current format and placed on the plan which indicates the revised woodland conservation requirement for the site.
 - n. A limit of disturbance (LOD) shall be shown on the plan and included in the legend. Tree protection fencing shall be provided wherever woodlands to be retained are within 50 feet of the LOD.
 - o. The "II" shall be changed to a "2" in the title and in the approval block.
 - p. The revised plan shall be signed by the qualified professional who prepared the plan.
4. At the time of final plat, a scenic easement shall be established adjacent to Old Marlboro Pike as delineated on the detailed site plan and Type 2 tree conservation plan, and a note shall be placed on the final plat as follows:
- "Old Marlboro Pike is a county-designated Historic Road and a state-designated Scenic Byway. The scenic easement described on this plat is an area the installation of structures and roads and/or the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
5. Prior to approval of a final use and occupancy permit for the proposed day care, a new final plat shall be approved.

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, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 26, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of September 2012.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj