



PGCPB No. 13-54

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File No. DSP-10016

RESOLUTION

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 May 16, 2013, regarding Detailed Site Plan DSP-10016 for From the Heart Ministries, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a private school for 208 students and a day care center with a maximum enrollment of 60 children within an existing church on a 7.76-acre property within a 21.37-acre integrated shopping center in the Commercial Shopping Center (C-S-C) Zone.
2. **Location:** From the Heart Church Ministries is located within the Andrews Manor Shopping Center at 4949 Allentown Road. The property is located approximately 0.25 mile southwest of the intersection of the northbound Capital Beltway (I-95/495) ramp and Allentown Road (MD 337), on the north side of Allentown Road.
3. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	3,000-seat Church within an Integrated Shopping Center	3,000-seat Church, Private School, and Day Care within an Integrated Shopping Center
Acreage	21.37	21.37
Parcels	3	3
Square Footage	289,738	289,738
Existing Building Square Footage Tabulation: (based on the existing conditions plan)	289,738	
Total GFA on Parcel W-4A:	163,387	
Of which church sanctuary:	(27,030)	
Of which church lobby:	(6,408)	
Of which building and storage:	(60,477)	
Of which vacant and storage:	(69,472)	
Total GFA on Parcel W-4B:	10,083	
Total GFA on Parcel W-5:	116,268	

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Proposed Building Square Footage Tabulation:	289,738
Total GFA on Parcel W-4A:	(163,387)
Of which church sanctuary:	(27,030)
Of which church lobby:	(6,408)
Of which proposed school and daycare	(60,477)
Of which vacant and storage:	(69,472)
Total GFA on Parcel W-4B:	10,083
Total GFA on Parcel W-5:	116,268

**OTHER DEVELOPMENT DATA**

**Parking Requirements**

Previously approved use and occupancy permit plans for Andrews Manor Shopping Center prepared by Ben Dyer Associates indicate Parcels W-4A, W-4B, and W-5 as one integrated shopping center.

	<b>REQUIRED</b>	<b>APPROVED</b>
Total Parking Spaces (1 per every 250 sq. ft.)	1,159	1,160
of which Handicap Spaces	22	39*
Total Loading Spaces	5	8

\*The site plan does not indicate how many handicap spaces are van-accessible. The site plan shall indicate conformance to the current Americans with Disabilities Act (ADA) regulations or provide a plan note as to why the site is not subject to current ADA guidelines at this time for parking space sizes and the number of van-accessible spaces provided. The size of the ADA parking spaces is shown to be 12 feet by 19 feet, whereas 13-foot by 19-foot space is the minimum required under current regulations.

4. **Surrounding Uses:** The Andrews Manor Shopping Center is generally a triangularly-shaped property. To the north of the subject property is undeveloped and vegetated land in the Rural Residential (R-R) Zone that is owned by the Maryland State Highway Administration (SIIA). Beyond that is the right-of-way for I-95/495. To the northeast are commercially-developed properties in the Commercial Shopping Center (C-S-C) Zone. The subject property is bounded to the southeast by the right-of-way for Allentown Road (MD 337), beyond which is Joint Base Andrews Properties to the southwest include apartments in the Multifamily Medium-Density Residential (R-18) Zone and a church located in the C-S-C Zone.
5. **Previous Approvals:** The subject site was the result of a resubdivision and was recorded in Plat Book CEC 91-13 on January 6, 1975. Previously approved use and occupancy permit plans for Andrews Manor Shopping Center prepared by Ben Dyer Associates indicate Parcels W-4A, W-4B,

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and W-5 as one integrated shopping center. On October 7, 2008, From the Heart Church Ministries was approved for the use of a church with 3,000 seats within the integrated shopping center by Permit 30493-2008-CU.

6. **Design Features:** From the Heart Church Ministries is located within the Andrews Manor Shopping Center on Parcel W-4, which is a 7.75-acre parcel. The shopping center also includes Parcel W-4, which is a 1.261-acre parcel, and Parcel W-5, which is a 12.36-acre parcel. The total 21.37-acre property is considered one integrated shopping center.

The church occupies one building that was designed as a warehouse. Almost half of the 163,387-square-foot space is vacant or used as storage. The existing church sanctuary is in the southeast portion of the building. A renovation of the building's interior provides an educational wing on the northeast side of the building for a private school with nursery-age education. The plans for the interior renovation indicate that numerous classroom spaces are provided, as well as offices, a lobby, welcome center, and an indoor 3,005-square-foot gymnasium.

Private schools and day care centers require outdoor play areas. Initially, the applicant submitted a proposal that showed an outdoor play area within the existing surface parking lot on the southeast side of the building in front of the church. An outdoor play area in this location would have required the removal of a large number of parking spaces that are currently required for the operation of the entire integrated shopping center. The applicant determined that an alternative location for a play area should be considered.

The detailed site plan currently proposes an off-site play area on R-R-zoned property to the north, which is owned by SHA. The entire state-owned property is approximately 7.3 acres and extends along the rear of the shopping center. This property contains existing woodland, vegetation, and a drainage channel, and abuts the right-of-way for I-95/495. The land behind the church building is rectangularly-shaped and is approximately 200 feet in depth by 600 feet in length. The property is partially separated from I-95/495 by an existing variable-height sound wall that begins along the right-of-way behind the church building and continues south along I-95/495, offering protection to existing residentially-developed properties to the south. The applicant has provided executed copies of a one-year lease agreement for the use of the land directly behind the church building.

The off-site play area is proposed in the southwest portion of the state-owned property in an area that is entirely behind the sound wall for I-95/495. The sound wall ends northeast of the play area at the rear of the church building. Access to the play area is proposed from the rear of the church building. A raised crosswalk is proposed across the limited access one-way driveway along the rear of the building. This crosswalk leads to an asphalt walkway that extends to the play area. The play area will be fenced by a five-foot-tall steel fence and includes mulch play areas to be installed with play equipment and seating, and an asphalt play area which includes a full basketball court. The plan shows a separate fenced play area for the nursery school aged children, and a seating area for the supervisor of children within the play area. A larger scale detail of the play area shall be provided prior to signature approval of the plans, so more specific features of the plan may be understood, specifically points of access and locations of the proposed gates.

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7. **Conformance to the applicable sections of the Zoning Ordinance:** The Planning Board finds that, as approved with conditions, the detailed site plan is in conformance with Section 27-454, C-S-C Zone; Section 27-461, Uses Permitted in the C-S-C Zone; Section 27-462, Regulations in the C-S-C Zone; Part 11, Off-Street Parking and Loading; and Part 12, Signs, of the Zoning Ordinance. The proposed private school and day care center are permitted uses in the C-S-C Zone, subject to additional requirements contained in Sections 27-462 and 27-464.02.
- a. The detailed site plan complies with Section 27-463(a) of the Zoning Ordinance, which sets forth additional required findings for private schools in commercial zones:

**(1) Requirements.**

- (A) The school shall be located on a parcel of at least five (5) acres, on which the maximum enrollment shall be four hundred (400) students. For each acre over five (5), the total enrollment may be increased by one hundred (100) students. State and local health, education, or fire regulations may reduce the number of students permitted to be enrolled. For the purposes of this Section, enrollment shall mean the total number of students enrolled in the institution at any one (1) time. If there are separate morning, afternoon, and evening sessions, each one of which is attended by different students, enrollment shall mean the number of students enrolled in the session having the largest number of students.**

Parcel W-4 is 7.75 acres which meets the above requirement. The proposed enrollment is 208 students which is within the limits of the above provision.

- (B) The school may be located on a separate parcel of not less than two (2) acres if enrollment is limited to ninety (90) students, school programs are only for special education students referred from other public or private schools, and all school programs are certified or accredited by the State of Maryland.**

The Planning Board finds that the above provision does not apply.

- (C) The property shall have frontage on, and direct vehicular access to, a street having a paved surface at least thirty six (36) feet wide. This shall not apply where the property is located in sparsely settled or farm area, or where the Planning Board determines that adequate passenger debarkation areas are provided.**

A "street" may be an "easement along which development is authorized pursuant to Subtitle 24." There is an easement at the southwestern corner of the site. This

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easement appears to have been created specifically for access to the subject property, and it has a pavement width of approximately 52 feet. Therefore, the Planning Board finds that this easement is a "street" as defined by Subtitle 27 of the Zoning Ordinance, and it is sufficient in width to meet the requirements of the law.

- (D) An outdoor playground or activity area shall be provided. It shall contain at least one hundred (100) square feet of usable space per student, unless the private school is for special education students and the owner or applicant demonstrates that less usable space per student will be adequate. In no case shall the playground or activity area have less than twenty-five (25) square feet per student. The area shall be located at least twenty-five (25) feet from any dwelling on an adjoining lot and buffered from adjoining uses in accordance with the provisions of the Landscape Manual. The area shall be enclosed by a substantial wall or fence at least three (3) feet high for grades six (6) and below, and at least five (5) feet high for other grades.**

The subject application proposes an off-site play area to meet the requirements of Section 27-463(a)(1)(D) of the Zoning Ordinance. Because an off-site play area is not explicitly discussed as an option in the above provision, as is the case for other uses such as day care centers, it is necessary to conclude that an outdoor play area must be provided on the subject site. For this reason, the approval of a variance is required to allow an off-site play area.

See Finding 8 for additional discussion of the variance request.

As approved with conditions, the off-site play area will meet the size requirements contained in Section 27-463(a)(1)(D). Two-hundred and eight private school students are proposed. The provided school offers nursery education through high school and is not specifically for special education students; therefore, 100 square feet of play area is the minimum required per student. A total of 20,800 square feet of play area is required for the private school. The site plan indicates that the play area will be enclosed by a five-foot-tall steel fence.

The above provision also requires that the outdoor play area be buffered from adjoining uses in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). In consideration of the above provision, a Type "A" bufferyard inclusive of a 20-foot building setback and a 10-foot landscape yard shall be provided between the playground and adjacent multifamily buildings. The proposed play area is located over 80 feet from the nearest residential dwelling on an adjoining lot. A wooded buffer will remain between and serve to further separate the play area from the adjacent multifamily development.

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Prior to certificate approval of the plans, the distance from the private school play area to the nearest dwelling on an adjoining lot shall be delineated and labeled on the plan. The location of the existing trees shall also be delineated on the landscape plan. The landscape plan shall indicate the location of a minimum Type "A" bufferyard along the southwestern property line. This bufferyard will be satisfied largely through the use of existing trees.

- (E) The requirements of this Section shall not apply to the use of existing public schools which have been conveyed by the Prince George's County Board of Education to either Prince George's County or to any municipality within the County, provided the County or municipality:**
  - (i) Maintains ownership of the facility and operates a school in it; or**
  - (ii) Leases the facility for use as a private school (of any type).**

The Planning Board finds that the above provision does not apply.

**(2) Site plan.**

- (A) A Detailed Site Plan shall be approved for all private schools, in accordance with Part 3, Division 9, of this Subtitle.**

The Planning Board finds that the subject application has been submitted in fulfillment of the above requirement.

- b. The subject application includes a day care use to afford the applicant the opportunity to offer before and after care for the nursery school. As approved with conditions, the detailed site plan complies with Section 27-464.02(a) of the Zoning Ordinance, which sets forth additional required findings for a day care center for children in commercial zones:

**(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;**

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According to this standard, a minimum 2,250-square-foot outdoor play area is required for 30 children, half of the proposed day care center's maximum enrollment of 60 children. The site plan shall indicate adequate play area for the private school enrollment plus the day care center enrollment, even though it is understood that some of the same children will be served by both uses. In total, 23,050 square feet of play area (0.53 acre) is required for both uses: 20,800 square feet for the private school and 2,250 square feet for the day care use. The site plan shall demonstrate adequate play area prior to certificate approval of the plans.

- (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 outdoor play area is proposed on an adjoining lot, which is permitted pursuant to Section 27-464.02(a)(1)(A)(iv) of the Zoning Ordinance below. The designated day care play area will be enclosed by a four-foot-tall steel fence. Portions of the fence will be five feet tall. An evaluation of aerial imagery indicates that the play area is proposed approximately 80 feet from the nearest multifamily building. The distance from the play area to the closest dwelling on an adjoining lot shall be indicated on the plan.

- (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 the setback from adjacent properties proposed on the plan is appropriate in order to maintain the greatest distance between the play area and the Interstate. The play area as proposed will be behind the sound wall along I-95/495. The height of the fencing also appears appropriate. In addition to the four- and five-foot-tall fence around the play area, the applicant proposes a berm with an eight-foot-tall board-on-board fence on top to further separate the play area from the Interstate. This berm, fencing, and the proposed evergreen trees along it will be a visual barrier and a physical barrier to further 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**

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**accessible without crossing (at grade) any hazardous area, such as a street or driveway.**

The off-site play area is approximately a 330-foot walk from the day care center. The Planning Board finds that children do not have to cross any hazardous area to access the play area. A one-way drive aisle must be crossed, but this drive aisle has gated access. The site plan indicates the location of a raised crosswalk and a painted stop bar on the asphalt as a further notification to vehicles of this small crossing.

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

The play area design proposes a considerable number of new shade trees and evergreen trees. While these trees will provide beneficial shade in the long-term, in the short-term, a shade structure shall be provided. A detail for a shade structure shall be provided prior to signature approval of the plans.

**(vi) Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to insure safe operation of the area; and**

The Planning Board finds that given the location of the play area behind the shopping center, the play area shall not be used before or after daylight hours, although adequate lighting shall be provided to allow for proper surveillance of the play area. The location of existing and proposed lighting shall be identified on the plans.

The applicant indicates that surveillance cameras are in place to monitor the site. These cameras utilize infrared technology and do not require outdoor lighting for effective operation. This will be considered in the evaluation of adequate lighting levels for the play area.

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

The Planning Board finds that the play area shall not be used for school or day care uses before or after daylight hours. A note to this effect shall be added to the General Notes on the plan.



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**(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. The plan also meets the additional submittal requirements of Section 27-464.02(a)(2)(B) of the Zoning Ordinance.

- c. The application is subject to Section 27-568, Schedule of [parking] spaces required. Parking is sufficient to serve an integrated shopping center, as outlined by the Zoning Ordinance. Integrated shopping centers generally have smaller parking and loading requirements than uses not located within an integrated shopping center. Section 27-107(a)(208) of the Zoning Ordinance defines an integrated shopping center as a group of three or more retail stores planned and developed under a uniform development scheme and served by common and immediate off-street parking and loading facilities. If the center is unable to maintain three retail uses, the shopping center will lose its categorization as an integrated shopping center, and parking and loading must be provided on a unit-by-unit basis. A change in tenant mix that results in the Andrews Manor Shopping Center no longer being considered an integrated shopping center would create the need for departures from the number of parking and loading spaces required. The status of the integrated shopping center will be monitored by The Maryland-National Capital Park and Planning Commission (M-NCPPC) during the review of use and occupancy permits for new tenants within the center. A note shall be provided on the site plan to indicate that, should there ever be fewer than three retail tenants within the shopping center, the parking ratio specified for integrated shopping centers could not be used, and that parking would have to be provided on a unit-by-unit basis.

If the status of the development should cease to be that of an integrated shopping center, then the parking required for the church and proposed uses would be as follows:

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**Parking Required for the subject uses if not located within an integrated shopping center.**

<b>Church</b>		
3,000 seats (one space per 4 seats)		750 spaces
<b>Private School</b>		
39 students Grade 10 and above (one space per 3 students)		13 spaces
169 students nursery to Grade 9 (one space per 6 students)		29 spaces
<b>Day Care Center</b>		
60 children (one space per 8 children)		8 spaces
<b>Total:</b>		<b>800 spaces</b>

d. Signage on the subject site is governed by Section 27-617, Institutional—Other than Temporary, of the Zoning Ordinance which states:

(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).**

While building elevations have not been submitted for review, it is evident from site visits that building-mounted signage in excess of the above requirement exists on the site. Either the signage in excess of the requirements of the Zoning Ordinance shall be removed from the building face, or the applicant shall obtain approval of a departure from sign design standards (DSDS).

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In accordance with Section 27-623 of the Zoning Ordinance, Incidental building identification, signage with a maximum area of two square feet may be attached to a building, as necessary.

8. **Required Findings for Approval of a Variance:** The applicant proposes an off-site play area for the private school, which is not explicitly allowed by Section 27-463(a)(1)(D). Section 27-230 of the Zoning Ordinance contains the following required findings to be made before a variance can be granted.

(a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

The Planning Board finds that the Andrews Manor Shopping Center is somewhat unusual in shape, as it is generally a long narrow triangle. Furthermore, the existing property was developed in the 1970's and except for a few landscape islands within the parking lot and a landscape strip along the street, the property as it exists is devoid of natural area and vegetation, which is the most appropriate setting for a play area. The property is entirely developed with structures and with surface parking that is required to meet the minimum requirements of the Zoning Ordinance. The site plan indicates that 47.7 percent of Parcel W-4, the specific parcel upon which the existing church is located, is developed with existing roads and parking; and 46.4 percent of the parcel is developed with buildings. The existing site and longstanding developed conditions make it impossible to meet the requirements of Section 27-463(a)(1)(D) on the subject site.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The applicant indicates that strict application of the Zoning Ordinance will result in an undue hardship to From the Heart Church Ministries in that the required needs/amenities for the school are provided in the site plan and non-approval will result in the immediate shut down of the school.

The Planning Board finds that the strict application of this Subtitle would likely result in the disapproval of the application, as no reasonable alternative for an on-site play area has been provided. The provision of an on-site play area would require the removal of existing buildings or required parking to make room for the play area on the fully-developed site. If large amounts of required parking spaces were removed, a substantial departure from parking and loading spaces would be required. There is no expectation that such an

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extensive departure from the parking space requirements could be approved by the Planning Board.

**(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

The Planning Board finds that the variance will not impair the intent, purpose, or integrity of the 2002 *Prince George's County Approved General Plan* or the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (Henson Creek-South Potomac Master Plan and SMA). The application is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The adaptive reuse of underutilized commercial and industrial buildings is encouraged. The approval of the variance request will promote an adaptive reuse of the subject site for a private school and day care.

The Henson Creek-South Potomac Master Plan and SMA retained the subject site in the C-S-C Zone. The proposed uses are permitted in the C-S-C Zone; therefore, the intent of the plans is in no way impaired.

9. **Prince George's County Landscape Manual:** The Planning Board finds that the site is not subject to Sections 4.1, 4.2, 4.3, 4.6, 4.7, 4.8, 4.9, or 4.10 the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the proposal 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.

This application is subject to Section 4.4, Screening Requirements, of the Landscape Manual. Per Section 4.4, trash facilities and loading areas are required to be screened.

The site is subject to pre-Landscape Manual requirements. The previously approved landscape plans for the shopping center indicate that five percent of the parking lot shall include interior planting area. Also, a landscape strip along the site's frontage to be planted with 40 shade trees and 196 shrubs is required. A note indicating the landscape requirement shall be provided on the plan. Failure to maintain required landscaping may result in a zoning violation.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the subject site is exempt from the requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property contains less than 10,000 square feet of woodland on-site and has no previous tree conservation plan approvals. A valid letter of exemption should accompany all future permits.

The off-site play area will impact existing woodlands and vegetation on a portion of Parcel 182. This property is owned by the state. Impact to existing woodlands and natural features on this

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adjacent property will require review and approval by Maryland Department of Natural Resources (MD DNR).

11. **Tree Canopy Coverage Ordinance:** The Andrews Manor Shopping Center will not be the subject of a grading permit to implement the subject detailed site plan. Therefore, the shopping center is exempt from the requirements of the Tree Canopy Coverage Ordinance.

The off-site play area is proposed on two wooded parcels that are under the jurisdiction of the State of Maryland. The Planning Board understands that any proposed woodland clearing will be required to be replaced by the State of Maryland. For this reason, the purposes of the Tree Canopy Coverage Ordinance will be met on the adjacent parcel, although it is not subject to 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**—The Planning Board adopts the following:

- (1) The application is located in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhood. It also encourages the adaptive reuse of underutilized/obsolete public, commercial, and industrial buildings to provide school space, and boarded-up buildings seen as community eyesores.
- (2) The April 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* retained the existing C-S-C Zone. However, the subject property is within the Andrews Manor future mixed-use rezoning area where applications for mixed-use zoning is recommended to implement the concepts and guidelines contained in the plan text.
- (3) This application is for the reuse of part of an existing building for a private school and day care. The revised plan shows a change in the location of the playground from the parking area to the rear of the building. The noise and safety impacts resulting from the relocated playground adjacent to a heavily travelled high-speed roadway need to be determined. Consideration has been given to locating the playground inside the limits of the sound wall.

- b. **Transportation Planning**—Day care centers for children are permitted in many zones, including the C-S-C Zone, subject to detailed site plan review. Detailed site plan review focuses on general site issues, as well as specific issues such as the size and location of the day care play area, along with issues of setbacks, lighting, shade, and hours of operation. There are no transportation-related findings required.

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Private schools are permitted in many zones, including the C-S-C Zone, subject to detailed site plan review. Detailed site plan review focuses on general site issues, as well as specific issues such as the size and location of the site, access to the site, and the size and buffering of the outdoor activity area. There are no transportation-related findings required.

The private school and day care center are proposed within the Andrews Manor Shopping Center. The final plat was recorded on January 6, 1975. There are no caps on development that would restrict this expansion of the use. Because the site is currently developed and no construction is proposed, there will be no preliminary plan. The day care use would generate 17 AM and 17 PM peak-hour vehicle trips, assuming that 65 percent of traffic is pass-by (already using the adjacent street). The private school use would generate 133 AM and 47 PM peak-hour vehicle trips.

The site backs to right-of-way associated with the Capital Beltway (I-95/495), but otherwise is not adjacent to or within any master plan rights-of-way. The existing right-of-way associated with the Capital Beltway (I-95/495) is consistent with the 2009 *Approved Countywide Master Plan of Transportation* recommendations for that facility. The uses are to be served by an existing main driveway that connects directly to Allentown Road (MD 337). Other driveways within the site connect to existing internal driveways on the adjacent shopping center site that connect to MD 337 as well. This is acceptable.

As such, aside from noting the requirements and the major features of the plan, the Transportation Planning Section has no comments on this plan.

- c. **Trails**—The plan conforms to the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the April 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area* (master plan).

Both the MPOT and the area master plan recommend designated bike lanes and continuous sidewalks along Allentown Road (MD 337). The MPOT includes the following text related to the need for these facilities:

*These facilities will link established residential communities with existing school and park facilities. Public facilities along the road include Tayac Elementary School, Isaac J. Gourdine Middle School, Friendly High School, and the Allentown Road Fitness and Aquatic Center (MPOT, page 24).*

A standard sidewalk exists along the shopping center's entire frontage of Allentown Road (MD 337). Designated bike lanes can be provided by the Maryland State Highway Administration (SHA) at the time of road resurfacing or restriping. These lanes will be accommodated either within the existing right-of-way or within any additional right-of-way required by SHA. No recommendations regarding the sidewalk or bike lanes

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are necessary at this time, unless required by SHA. Typically designated bike lanes are not striped for individual property frontages, but are completed at the time of road resurfacing or reconstruction when longer continuous segments of bike lanes can be completed.

Internal pedestrian facilities at the shopping center are largely limited to the sidewalks immediately in front of the commercial space. The applicant proposes adding a crosswalk that will better connect the proposed use to the commercial space to the east. This crosswalk is acceptable as marked and labeled on the plans. A crosswalk linking the daycare with the planned playground is also shown. The plan details include a schematic for a raised crosswalk and proposes two raised crosswalks that will enhance safety on the site. One is proposed at the rear of the site to the play area, and the other is proposed at the building's front entrance to the parking lot. Both crossings are acceptable.

d. **Subdivision Review**—The Planning Board adopts the following:

- (1) The church property is located on Tax Map 98 in Grid D-1, known as Parcel W4-A and is zoned Commercial Shopping Center (C-S-C). Parcel W4-A was the result of a resubdivision and was recorded in Plat Book CEC 91-13 on January 6, 1975.
- (2) The existing record plat for Parcel W4-A contains no restriction on adequate public facilities and no public utility easements (PUEs), therefore the site is not required to file a preliminary plan of subdivision. The site plan shows the boundary of the property as reflected on the record plat and property tax map. However the bearings and total acreage of Parcel W4-A on the site plan do not reflect the bearings and acreage (7.75 acres) on the record plat. The applicant shall correct these inconsistencies on the site plan. The result of not correcting this information will result on a hold being placed on any future permits.

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

- (1) **Site Description:** According to PGAtlas.com, there are no woodlands, streams, wetlands, or associated 100-year floodplains found to occur on this property. According to the Natural Resources Conservation Service web soil survey, the principal soils on this site are Fallsington –urban land complex, Udorthents and Urban land – Sassafras complex, which pose no particular problems related to land development. The site is not located in a Sensitive Species Protection Review Area based on a review of the SSPRA GIS layer prepared by the Heritage and Wildlife Service, Maryland Department of Natural Resources. Although located adjacent to I-95/495, the proposed commercial use (school) is generally not regulated for noise impacts, but the proposed playground use is regulated for noise impacts. There is a noise barrier wall that is located adjacent to the on-site existing structure and I-95/495, but it does not run the entire length of the project. The proposed use is not expected to be a noise generator. The property drains to Oxon

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Run and then to the Potomac River, which is in the Washington Metro Area watershed. This site is located in the Developing Tier and also found in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek and South Potomac Planning Area*. The subject property contains Network Gap areas within the designated network of the 2005 *Approved Countywide Green Infrastructure Plan*.

- (2) **Natural Resources Inventory (NRI):** The on-site project area with the existing warehouse structure and parking has an approved NRI equivalency letter. On the adjacent property upon which the play area is proposed there is a water course and associated stream buffer. The off-site work does not require an NRI, because it is a state-owned property, but the Maryland Department of the Natural Resources (MD DNR) will need to review and approve the proposed woodland impacts.
- (3) **Noise:** The proposed use is a combination of church, school and accessory (playground) uses. The submitted DSP does not show the location of the unmitigated 65 dBA Ldn ground level noise contour. According to the Environmental Planning Section's noise model, the unmitigated 65 dBA Ldn noise contour is approximately 923 feet from the centerline of I-95/495. There is an existing sound barrier wall located along the shoulder area of the adjacent Interstate I-95/495. The sound barrier will mitigate the noise impacts significantly; however this noise wall does not go the entire length of the project area and stops more than halfway past the proposed playground area. According to PGAtlas.com, the base topography of this area is relatively flat and goes from elevation 252 at the barrier wall to 260 at the existing building line.

A revised DSP has been submitted showing an eight-foot board-on-board fence around the outer northern edge of the playground.

According to the 2002 *Prince George's County Approved General Plan*, the County's primary purpose is to protect the present and long-term health, safety and welfare of all its residents; and although the county will neither attempt nor be able to eliminate all risk, it will consider these factors when taking any public action.

The area beyond the noise wall may be impacted by noise levels over 75 dBA Ldn. The location of the proposed playground shall be located completely behind the existing noise wall so that no portion of the playground is exposed to I-95/495, and designed so that noise levels are reduced.

The applicant proposes to mitigate noise by relocating the play area entirely behind the sound wall. In addition the application proposes a five-foot-high berm along the eastern boundary of the play area with an eight-foot-tall board-on-board



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fence on top. This berm will be planted with Green Giant Arborvitae trees. These measures will provide additional noise mitigation for the proposed play area.

- (4) A Stormwater Management Concept Approval Letter shall be provided, if required by the Department of Public Works and Transportation (DPW&T).
  
- f. **Permit Review**—The Permit Review Section provided review comments for the detailed site plan. All comments have been addressed through plan revisions and recommended conditions of approval.
  
- g. **Department of Public Works and Transportation (DPW&T)**—In a memorandum dated March 28, 2012, DPW&T offer the following comments:

Allentown Road (MD 337) is a State-maintained roadway; therefore coordination with the state is required.

The proposed DSP is consistent with an approved DPW&T Stormwater Management Concept 17247-2010 dated September 3, 2010.

The off-site improvements may require an approved stormwater concept plan. The applicant shall provide evidence of a stormwater concept approval or exemption, prior to certificate approval of the detailed site plan.
  
- h. **Prince George's County Health Department**—In a memorandum dated January 8, 2013, the Health Department stated that the Environmental Engineering Program of the Prince George's County Health Department had completed a health impact assessment review of the subject DSP and had the following recommendations:
  - (1) The site is located adjacent to an arterial roadway and major freeway where high-traffic volumes can be expected and therefore subject to the potential adverse health impacts associated with traffic-related noise. Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests. Noise can also be detrimental to health with respect to hearing impairment, sleep disturbance, cardiovascular effects, psychophysiological effects, psychiatric symptoms, and fetal development. The applicant should provide details regarding the modifications, adaptations and /or mitigation to be provided as necessary to minimize the potential adverse health impacts of noise on the susceptible population.

The applicant has revised the plan to provide increased noise mitigation. The play area has been relocated behind the sound wall and additional berms, fencing, and a buffer of evergreen trees are now proposed.

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- (2) The site is located adjacent to an arterial roadway and major freeway where high-traffic volumes can be expected and therefore subject to the potential adverse health impacts associated with traffic-related air pollutants. There is an emerging body of scientific evidence indicating that exposure to traffic-related air pollution is a cause of and trigger for asthma; and that living, working or going to school near a busy roadway or freeway increases the severity of asthma symptoms, especially in children. The applicant should provide details regarding modifications, adaptations and/or mitigation as necessary to minimize the potential adverse health impacts of air pollutants on the susceptible population.

The Planning Board has no authority granted by the Zoning Ordinance to deal with issues of this kind.

- i. **Prince George's County Police Department**—On December 11, 2012, Corporal Richard Kashe of the Prince George's County Police Department, conducted a site visit for the subject proposal and provided the following recommendations:

The subject site is isolated and close to the Capital Beltway (I-95/495). Children should be closely supervised while outdoors. Additionally, closed-circuit television is recommended as a form of surveillance for the play area.

The Planning Board supports the Police Department's recommendation. The church building is a converted warehouse building and there are no windows along the back of the building to allow for natural surveillance of the play area at the building's rear. The children should always be supervised by adults while utilizing the play area. In addition, video surveillance shall be provided along the back and sides of the building.

- j. **Maryland Department of Human Resources**—The Prince George's County Childcare Office within the Maryland Department of Human Resources is the authority for day care license approvals within Prince George's County. In an e-mail dated April 4, 2013, (Chester to Fields), the regional manager indicated that the outdoor play area should be secured. Additionally, The M-NCPPC Planning Department should consider the following: surrounding businesses in the shopping center, potential conflicts with delivery trucks, traffic control, and accessibility to the children, safety precautions, outdoor play surface, and equipment (including portable items).

Regarding these issues the Planning Board adopts the following:

- (1) **Play Area Security:** The play area shall be secured with a durable fence that eliminates possible access from the site to I-95/495. An additional five-foot-tall chain-link fence shall be provided from the swing gate at the north corner of the building to the wood fence proposed on top of the berm. A fence in this location would further limit access to the play area from commercial properties and limit

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the ability for children to access the area behind the vegetated and fenced berm. There is also an existing chain-link fence on the SHA property that further impedes access to the roadway.

- (2) **Surrounding Businesses:** The warehouse building that houses the church is not physically connected to any commercial business. A thrift retail business, Value Village, is the closest business to the proposal and it is located in the shopping center building next to the church, separated from the church by a drive aisle and existing parking. There is a donation center on the west side of the Value Village. This is essentially a loading and donation center drop-off zone. Because the public will frequently access the west side of the building for drop-offs, care shall be taken to adequately secure the play area and maintain proper surveillance of this side of the building.
- (3) **Location of Delivery Trucks and Traffic Control:** Loading for the shopping center is not indicated on the detailed site plan, and it shall be shown on the plan prior to signature approval. Loading is shown on the previously approved permit plans. Loading for the church building is shown near the front of the building; therefore, there is no conflict with loading and the proposed play areas at the back of the property. As the detailed site plan shows the location of a new loading door on the east side of the building, it would appear that this side of the building would be used for the location of a future dumpster enclosure. The location of any proposed dumpsters shall be shown on the plan and a durable, non-wood, non-white enclosure shall be provided. Any proposed dumpsters shall be proposed away from the proposed play areas and access to it.

The access drive along the back of the church building is proposed to be fenced and gated to control access in this area and promote the safety of children. Parking is proposed within this gated area. It is unclear who will utilize the parking in the secured area.

The loading for the commercial businesses is located at the rear of the shopping center. The loading areas for the commercial properties are visible from the access drive at the rear of the church/warehouse building, but the commercial loading areas have their own access drive, which is not disrupted by the gating of the access drive behind the church building.

- (4) **Outdoor Play Surface and Equipment:** There are two types of outdoor play areas that are proposed. There are play areas with a mulch surface and play equipment, and there is an asphalt play area that includes a basketball court.

Prior to certificate of approval of the plan, a 1:10 scale or 1:20 scale detail of the play area shall be provided. This sheet shall indicate adequate mulch depth for areas with play equipment, and demonstrate that adequate fall distances around

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the play equipment are provided. All play equipment shall also be installed by a certified professional.

- k. **State Highway Administration (SHA)**—A response from SHA, Access Management Division received on November 15, 2012, offered no comment regarding this application, as the existing access is adequate.

The applicant has provided a copy of a Vacant Land Lease Agreement completed with the Property Asset Management Division of the State Highway Administration. The one-year renewable lease was executed on September 1, 2012 by and between SHA on behalf of the State of Maryland and From the Heart Church Ministries. The lease is for the use of approximately one-acre of land owned by the State of Maryland, which is not immediately needed for the construction or operation of I-95/495.

A recommendation of approval of the subject application is based upon the understanding that an off-site play area may be provided on the vacant SHA property. If at any point SHA determines that the lease should be terminated and the play area is no longer permitted on their property, then the subject approval will no longer be valid, and a revision to the detailed site plan will be necessary.

- l. **Fire/EMS Department, Maryland Department of Human Resources, and Public Utility Companies**—Referral comments were not returned from the Fire/EMS Department, the Maryland Department of Human Resources, and public utility companies at the time of the writing of this technical staff report.

13. Based on the foregoing 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 cost and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the site does not contain any regulated environmental features this required finding 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-10016, including a Variance from Section 27-463(a)(1)(D) subject to the following conditions:

1. Prior to certification of the detailed site plan, the following information shall be provided or revisions shall be made:

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- a. The site plan shall indicate conformance to the current Americans with Disabilities Act (ADA) regulations or provide a plan note as to why the site is not subject to current ADA guidelines for parking space sizes and the number of van-accessible spaces provided.
- b. The use of the State of Maryland-owned property shall be indicated as "vacant."
- c. The play area concept shall be indicated on the overall detailed site plan sheet (Sheet C-3.1).
- d. A note shall be added to the General Notes to indicate that the play area should not be used for school or day care uses before or after daylight hours.
- e. The distance from the private school play area to the nearest dwelling on an adjoining lot shall be delineated and labeled on the plan.
- f. The plan shall indicate the location of a minimum Type "A" bufferyard along the southwestern property line.
- g. The location of the existing vegetative buffers to remain shall be delineated on the plan.
- h. The site plan shall demonstrate adequate play area for the 208-student private school and 60-child day care use. A minimum of 23,050 square feet of play area shall be provided.
- i. A 1:10 scale or 1:20 scale detail of the play area shall be provided. This detail shall indicate a minimum mulch depth for areas with play equipment in accordance with the requirements of the Consumer Product Safety Commission, and demonstrate that adequate fall distances around the play equipment are provided.
- j. The play area detail shall indicate the location of all gates that access the play area.
- k. A note shall be provided to indicate that all play equipment shall be installed by a certified professional.
- l. Provide a detail for a shade structure that shall be utilized in the play area.
- m. Details of and locations for existing and proposed lighting for the play area shall be provided.
- n. A five-foot-tall chain-link fence shall be provided from the swing gate at the north corner of the building to the end of the proposed wood fence on top of the berm.
- o. Locations of existing loading spaces shall be shown on the plan.

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- p. Details of attractive and durable screening measures for proposed dumpsters and proposed loading shall be indicated on the site plan.
  - q. A note of exemption from the requirements of the 2010 *Prince George's County Landscape Manual* shall be placed on the site plan.
  - r. The pre-Landscape Manual planting requirements shall be indicated on the site plan.
  - s. A note shall be provided on the site plan to indicate that, to remain an "integrated shopping center," the Andrews Manor Shopping Center must maintain at least three retail tenants. If the center is unable to maintain three retail tenants, the parking and loading must be provided on a unit-by-unit basis.
  - t. Provide evidence of a stormwater concept approval for the off-site improvements, or a letter of exemption.
  - u. The bearings and distances on the site plan shall reflect the record plat.
  - v. The applicant shall provide a statement indicating their security plans for the school. This security plan shall include video surveillance along the back and sides of the building.
2. Existing building-mounted signage in excess of that permitted by the Zoning Ordinance shall be removed from the building face, or the applicant shall obtain approval of a departure from sign design standards.
  3. If at any point the State Highway Administration determines that the lease for the off-site play area should be terminated and the play area is no longer permitted on their property, then the subject approval will no longer be valid, and a revision to the detailed site plan shall be necessary for the continuation of the private school and day care use.

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.

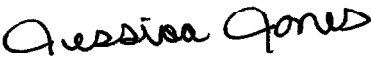
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\* \* \* \* \*

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 Bailey, seconded by Commissioner Shoaff, with Commissioners Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioners Geraldo and Washington absent at its regular meeting held on Thursday, May 16, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6<sup>th</sup> day of June 2013.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 5/29/13