

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 June 11, 2015 regarding Detailed Site Plan DSP-14001 for Evangel Christian Child Care Center, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a day care center, with a maximum enrollment of 100 children, in the Rural Residential (R-R) Zone.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	Church	Church and Day Care Center
Acreage	4.06	4.06
Lots	1	1
Enrollment	0	100 children

Parking Required:

Church 75

(1 parking space per 4 seats or 75 spaces for 300 seats)

Day Care Center 13

(1 parking space per 8 children or 13 spaces for 100 children)

Total Parking Required 84

Total Parking Provided: 89

Loading Spaces Required: 1

(one space for 10,000–100,000 square feet of gross floor area)

Loading Spaces Provided: 1

Minimum Outdoor Play Area Required per Section 27-464.02 of the Zoning Ordinance:

100 children x 75 square feet = 7,500 square feet* at 50%

Enclosed Play Area Provided: 5,180 square feet

*The Zoning Ordinance requires that all outdoor play areas for day care centers for children in residentially-zoned areas have at least 75 square feet of play space per child for 50 percent of the licensed capacity, or 75 square feet per child for the total number of children to use the play area at one time, whichever is greater. The applicant has stated that a maximum of 50 children will be permitted to utilize the play area at one time. Therefore, the total required outdoor play area is 75 times 50 (half of the enrollment, rounded up), or 3,750 square feet. The applicant has met and exceeded this requirement by providing a play area measuring 5,180 square feet.

3. **Location:** The subject property is located on the west side of Cedar Lane, south of Powder Mill Road (MD 212).
4. **Surrounding Uses:** The subject site is bounded to the southeast by Cedar Lane. Across Cedar Lane is a subdivision developed with existing single-family residences. To the north, south, and west, the property is bounded by the Home Acres subdivision developed with existing single-family residences. All of the surrounding land uses are located in the R-R Zone.
5. **Previous Approvals:** The site has two previously approved Special Exceptions, SE-651 and SE-1439. Per church documents, the sanctuary was constructed in January 1961 and the education building was completed in 1965. There was previously a private school located on the site that closed.
6. **Design Features:** The property is a rectangular parcel and is accessed directly from Cedar Lane. The property is currently developed with a single story 10,340-square-foot gross floor area (GFA) church that houses a sanctuary, kitchen, office, and fellowship hall; and a two-story, brick, 11,000-square-foot GFA education building, which is to house the proposed day care operation. An 89-space parking lot and a 5,180-square-foot play area surrounded by an existing four-foot-tall fence are located at the rear of the property. A four-foot-wide walk, which connects to the existing walkway, provides safe passage for the children to the play area.
7. **Conformance to the applicable sections of the Zoning Ordinance:** The Planning Board reviewed the subject project against the relevant requirements of the Zoning Ordinance and finds it in compliance. More particularly, with respect to Section 27-441(b), Table of Uses, of the Prince George's County Zoning Ordinance, the proposed day care center for children is a permitted use in the R-R Zone.

Each other relevant requirement of Section 27-445.03(a), Day care center for children, and Section 27-441, Table of Uses, Footnote 34, is included in **boldface** type below and is followed by Planning Board comment:

(1) **Requirements**

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

- (i) **All outdoor play areas shall have at least seventy-five (75) square feet of play space per child for fifty percent (50%) of the licensed capacity or seventy-five (75) square feet per child for the total number of children to use the play area at one (1) time, whichever is greater;**

The proposed maximum enrollment for the Evangel Christian Child Care Center is 100. Therefore, the required play area for 50 percent of the licensed capacity is 3,750 square feet. As the outdoor play area indicated on the detailed site plan (DSP) measures 5,180 square feet, it meets and exceeds the size required by the Zoning Ordinance.

- (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 subject outdoor play area is located on the same lot as the day care center, at least 25 feet from any dwelling unit, and is to be enclosed by a four-foot-tall fence.

- (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 existing play area requires minor upgrades to ensure the protection of the health and safety of the children. The Planning Board recommends replacing fencing, providing wheel stops, and additional buffering.

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

There are several shade trees located proximate to the outdoor playground area which should provide sufficient shade for the children playing in the designated area during the warmer months of the year, in accordance with this requirement.

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

The site plan indicates that outdoor play is limited to daylight hours.

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

A note on the DSP indicates that the hours of operation will be between 7:00 a.m. and 7:00 p.m. October 1 through April 30 (Fall through mid-Spring) and between 7:00 a.m. and 9:00 p.m. May through September 30 (mid-Spring through early Fall), in conformance to this requirement.

In addition, per Section 27-445.03, a site plan prepared in accordance with the following is required for the day care center. Each requirement is included in **boldface** type followed by Planning Board comment.

(2) **Site plan.**

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

Should the subject site plan be approved as recommended and in accordance with this requirement, it may be said that the subject applicant has conformed to this requirement.

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

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

General Note 31 indicates that the maximum number of children to be included in the day care will be 100, in accordance with Subpart (i) of the above requirement. The site plan indicates the adjacent building uses on the adjacent lots. The location and size of the outdoor play area are indicated as required by Subpart (iii) of the above requirement, and the location, quantity, and type of screening are located in accordance with Subpart (iv) of the above requirement. Therefore, it may be said that the applicant has conformed to this requirement.

8. **2010 Prince George's County Landscape Manual:** Per Section 1.1 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), the subject project is exempt from the requirements of the Landscape Manual because there is not an increase of GFA, it is not a change of use from a lower to a higher intensity, and there is no increase in impervious surface. Therefore, the subject site and project is exempt from Sections 4.2, 4.3, 4.6, 4.7, 4.9, and 4.10 of the Landscape Manual.

9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance as it does not involve in excess of 5,000 square feet of land disturbance.
10. **Prince George's County Tree Canopy Coverage Ordinance:** The subject project is exempt from the requirements of the Tree Canopy Coverage Ordinance as it does not involve a land disturbance.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—The Planning Board found that Detailed Site Plan DSP-14001 would have no effect on Prince George's County historic sites, historic resources, or historic districts.
 - b. **Community Planning**—The Planning Board found that the proposed development is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2025 Approved General Plan* (Plan Prince George's 2035). The vision for established communities in Prince George's County is to have context-sensitive infill and low- to medium-density development. Concerns were expressed regarding the safety and accessibility of the playground and proffered the creation of a buffer between the children's playground route and the parking lot by either adding a fence/landscaping elements/or armadillo-type wheel stops, especially along the southern portion of the route.
 - c. **Transportation**—The Planning Board determined that bicycle and pedestrian facilities are recommended for the area surrounding the proposed land use, but they do not directly affect the subject application. No road frontage improvements are proposed by the applicant. The proposal will not conflict with the bicycle and pedestrian recommendations of the functional master plan of transportation.
 - d. **Subdivision**—The Planning Board found the following regarding the subject project:

The subject property is located on Tax Map 12 in Grid F-4, is 4.06 acres, and is known as Lot 17, Block 7. The property has never been the subject of a preliminary plan of subdivision. The record plat for Section One of Home Acres was approved for Lot 17, Block 7, on November 19, 1958 (WWW 33-98). The bearings, distances, and lot size noted on the DSP matches the record plat.

The record plat shows a 35-foot-wide building restriction line (BRL) parallel along the entire frontage of Cedar Lane. The DSP labels this BRL as a public utility easement. Correct the label to match the record plat. The monument sign, although existing, is not subject to this 35-foot-wide setback.

According to church archives, both the main sanctuary and educational building were completed prior to December 31, 1991. The DSP proposes a day care use within an existing church building, therefore no additional GFA is proposed with this application.

Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected.

- e. **Permits**—The Planning Board found the following regarding correcting information on the site plan:
- (1) Provide the width of the driveway aisle accessing the property.
 - (2) Provide the dimensions of the existing sheds.
 - (3) The parking schedule shall be corrected to indicate the total spaces required and provided as spaces, not seats.
- f. **Prince George's County Police Department**—In a memorandum dated April 16, 2015, the Police Department indicated that, after reviewing the plans and visiting the site, a number of repairs are required. Specifically:
- (1) Trees 1, 2, and 3 located within the play area are in need of pruning dead limbs.
 - (2) The wooden play structure located within the play area is in need of repair to remove splintered wood.
 - (3) The chain-link fence surrounding the play area is in need of maintenance and repair:
 - There are rusty areas that need attention.
 - The gate does not swing open a full 90 degrees.
 - There are several fence posts that are leaning inward, possibly caused by vehicles backing into the posts.
 - Placing wheel stops on the parking lot bordering the fenced in play area would reduce the chance of future damage to the fence. At present, there are no wheel stops utilized in the parking lot. The applicant shall remedy this.
- g. **Environmental Planning**—The Environmental Planning Section had not submitted comments.

- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE offered no response to the DSP-14001 referral. It should be noted that, because the proposed development does not involve any site disturbances or building additions, it is exempt from DPIE stormwater management regulations.
 - i. **Prince George's County Health Department**—The Health Department offered no response to the DSP-14001 referral.
12. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP 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.
13. Section 27-285(b)(4) of the Zoning Ordinance requires that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible if environmental features exist. In this case, the property is devoid of any environmental features.

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-14001, subject to the following conditions:

- 1. Prior to certification, the applicant shall make the following revisions to the plans and submit the following documentation:
 - a. Dimension the width of the entrance driveway.
 - b. Provide the dimensions of the existing sheds.
 - c. The parking schedule shall be corrected to indicate the total spaces required and provided as spaces, not seats.
 - d. Label the 35-foot-wide building restriction line to match the record plat along the frontage of Cedar Lane.
 - e. Add the following note:

“The hours of operation are 7:00 a.m. to 7:00 p.m. October 1 through April 30 (Fall through mid-Spring) and 7:00 a.m. to 9:00 p.m. May through September 30 (mid-Spring through early Fall).”

2. Prior to issuance of a use and occupancy permit for the project:
- The applicant shall design and create of a buffer between the children's playground route and the parking lot by either adding a fence/landscaping elements/or armadillo-type wheel stops along the southern portion of the route.
 - Prune Trees 1, 2, and 3 located within the play area.
 - Repair the wooden play structure (remove splintered wood) located within the play area.
 - Replace the chain-link fence surrounding the play area.
 - Place wheel stops in the parking spaces bordering the fenced in play area.

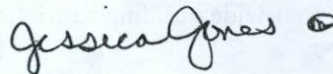
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Shoaff, with Commissioners Washington, Shoaff, Bailey, and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent, at its regular meeting held on Thursday, June 11, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of July 2015.

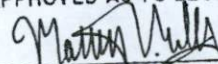
Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

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APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 6/16/15