

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 16, 2015, regarding Detailed Site Plan DSP-15007 for Day Care at Ascension, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a day care center for 80 children located in the Ascension Lutheran Church in the R-55 Zone. The proposed day care center will be located within the first floor of the vacant private school portion of the site that was approved pursuant to Special Exception SE-4363. The proposal does not involve any increase in gross floor area.
2. **Location:** The subject site is located in the northeast quadrant of Ardwick-Ardmore Road and Buchanan Street, within Council District 3.

3. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s):	R-55	R-55
Use(s):	Church, Office, and Vacant Private School	Church, Office, 80-student Day Care Center and Private School
Acreage:	4.37	4.37
Lots:	1	1

4. **Surrounding Uses:** The subject site is bounded to the north by multifamily dwellings in the One-Family Detached Residential (R-80) Zone. Immediately to the east and south across Ardwick-Ardmore Road are single-family detached developments in the One-Family Detached Residential (R-55) Zone. The land use across Buchanan Street is being used by the U. S. Postal Service, east of which is a church facility and behind that is a shopping center located in the Mixed Use-Infill (M-U-I) Zone.
5. **Previous Approvals:** Based on the records of Preliminary Plan of Subdivision 4-81006, approved on May 28, 1981, the existing church was built in 1956 and the existing school was built in 1963. On January 15, 1965, the Prince George's County District Council granted Special Exception SE-1126 to authorize use of 2.25 acres of the site for a "Private Educational Institution." On April 25, 1983, the District Council approved SE-3390, which expanded the use of the subject site to 4.37 acres and added a nursery and day care center which was later revoked by action of the District Council. On March 1994, the District Council approved Special Exception SE-4135

allowing placement of two temporary classroom trailers on the property, with a condition permitting the trailers to remain for seven years, which ended in March 2001. On June 16, 2000, Special Exception SE-4363 was granted by the District Council to replace the two existing classroom trailers pursuant to SE-4135. As a condition of that approval, Alternative Compliance AC-20003 was approved on February 14, 2000 per Section 4.2 (Commercial and Industrial Landscaped Strip Requirements) of the *Prince George's County Landscape Manual* (Landscape Manual) along Buchanan Street and Ardwick-Ardmore Road, and Section 4.7 along the northern property line. On July 16, 2015, the Planning Board approved Departure from Parking and Loading Standards DPLS-422 and companion case Detailed Site Plan DSP-15007. During the site visit, it was noted that the site is not in conformance with the approved landscape plan. Some of the landscaping along Ardwick-Ardmore Road and around the existing loading area is missing.

6. **Design Features:** The property is irregularly shaped and is currently developed with an one-story brick church with a basement and a two-story vacant private school. The proposed 6,500-square-foot day care center will be located within the first floor of the vacant private school. Entrance to the day care is located at the rear of the existing two-story building. The site has an existing multipurpose ball field and a shaded outdoor play area with play equipment on the site and a 74 space parking lot. The property is screened and buffered from the adjacent residential community by an existing wooded area to the north and east. Many mature trees are also located in the play area to provide shade. The play area also has a six-foot-tall chain-link fence surrounding the major part of the site to the east and a portion of the parking lot to the north of the building with 22-foot gates. A four-foot chain-link fence is also provided around the mulched play area, which separates the existing parking area from the play area. Access to the site is via a 30-foot-wide driveway entrance on Ardwick-Ardmore Road and a 22-foot-wide driveway entrance from Buchanan Street.

During the field inspection, it was noted that, while the parking lot and the building is well maintained, and the existing play area is poorly maintained. Some of the existing wooden steps throughout the entire play area have deteriorated. Some of the play equipment is rusted. The mulched play area barely has any mulch. For the safety of the children's health and to prevent any physical injury, all damaged woods and rusted play equipment should be replaced and the entire play area should be mulched.

The site visit further revealed that the existing site has four illegal freestanding signs. These signs were erected without a proper permit. The Applicant proposed to keep one existing freestanding sign located at the corner of Ardwick-Ardmore Road and Buchanan Street. The sign detail for this sign is provided and discussed in Part (9) below. Prior to issuance of any permit, all of the existing freestanding signs except the one displayed on the site plan should be removed.

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), which governs permitted uses in residential zones subject to Footnote 34, which requires detailed site plan (DSP) approval.

The proposed day care center for children is a permitted use in the R-55 Zone, within an existing church.

The proposed development is also in conformance with Section 27-445.03(a), which addresses the following site design requirements for day care uses. 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 applicant is proposing an enrollment capacity of 80 children, and a maximum of 6,000 square feet of play area is required to accommodate the full enrollment at one time. However, a play area of 50 percent of the enrollment (40 children) may be provided as long as only half of the children are in the play area at a given time. For 40 children, a play area of 3,000 square feet is required ($80 \times 50\% = 40 \times 75 = 3000$). The existing play area is 51,500 square feet, including 3,000 square feet of shaded play area which far 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 proposal is in conformance with this requirement.

- (iii) A greater set back from adjacent properties or uses or a higher fence may be required by the Planning Board if it determines that it is needed to protect the health and safety of the children utilizing the play area;**

The location of the existing play area within the church campus does not necessitate a greater setback or higher fence. The site is already enclosed by a six-foot-high chain-link fence and is set back greater than 25 feet from adjacent properties.

- (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 9:00 p.m., in conformance with this requirement.

In addition, per Section 27-445.03(a), a site plan has been prepared in accordance with the criterion 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 8(b) indicates that the maximum number of children to be included in the day care will be 80, 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 all of the requirements of (B) above.

8. **Parking and Loading Requirements:** The subject site is not in conformance with the parking requirements set forth in Part 11 of the Zoning Ordinance.

Section 27-568(a)(3), Schedule of Parking spaces, of the Zoning Ordinance requires a parking calculation as follows:

Use	Schedule	Spaces
Church with 280 seats	1 space per 4 seats	70
Day care for 80 children	1 space per 8 children	10
Future Private school for 150 students	1 space per 6 students	25
Total		105

The site plan note 1(e) on the plan indicates that the applicant is applying for a 20 percent parking reduction per Section 27-572 of the Zoning Ordinance for Joint use of parking lot. The normal required parking for the Day Care for 80 children is ten parking spaces. Section 27-572 of the Ordinance is not applicable to the subject use because in order to apply for a 20 percent reduction, the normal requirements for each of the uses cannot be more than 20 spaces. In this case, two of the three uses (church and private school) require more than 20 spaces. Therefore, 20 percent joint use of parking reduction cannot be applied and a total of 105 parking spaces are required for the various uses in the subject building.

The applicant proposes to provide 74 parking spaces, with two being reserved for the physically handicapped. Therefore, the applicant is requesting a waiver of 29 parking spaces.

Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires only one loading space for institutional uses comprised of 10,000 to 100,000 square feet of gross floor area. The existing church with a future 13,300-square-foot private school and proposed day care center requires one loading space. The site is providing one loading space.

9. **Signs:** The proposal includes two on-site signs per Section 27-617(a) of the Zoning Ordinance.

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 subject property fronts on two streets; therefore, a maximum of two signs (freestanding or attached to the building) is allowed. The applicants is proposing one building sign and keep one of the four existing unpermitted freestanding signs on the property. The area of the proposed building sign is 25 square feet and is proposed to be located on the west side of the building facing Buchanan Street. The existing six feet high and 21 square feet freestanding sign that the applicant is proposing to keep is located near the corner of Ardwick-Ardmore Road and Buchanan Road intersection. Both signs appear to meet the requirements of Section 27-617 of the Zoning Ordinance for Institutional signs. However, the note for the freestanding sign measurement is incorrect on the site plan. Prior to the certification of the site plan, the applicant should correct the sign measurement note and provide the total square footage of the freestanding sign on the site plan.

10. **2010 Prince George's County Landscape Manual:** The proposed development is exempt from the standards of the Prince Georges County Landscape Manual because there is no increase in gross floor area, it is not a change of use form a lower to a higher intensity, and there is no increase in impervious surface. Therefore, the subject site is exempt from Sections 4.2, 4.3, 4.6, 4.7, 4.9, and 4.10 of the Landscape Manual. Nonetheless, the applicant is proposing a six-foot-high vinyl fence around the existing loading space with a 12-foot-wide gate to screen the existing loading dock, in accordance with Section 4.4 of the Landscape Manual. The proposed fence detail provided on the site plan appears to conform to the requirements of the Landscape Manual.

Furthermore, it is important to note that the site is the subject of a previously approved landscape plan per Special Exception SE-4363 and Alternative Compliance AC-20003. The site is not in conformance with the prior approved landscape plan. Prior to issuance of any permit, the applicant must provide and restore all landscaping on-site as approved in the landscape plan dated June 1999.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is not subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the proposed request is for a change in use, and no grading is proposed.

12. **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.
13. **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. **Subdivision Review**—The Planning Board found that the site plan is in substantial conformance with approved Preliminary Plan 4-81006 and that the lot size, bearings, and distances match the plat. At the time of permits, 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 corrected.
 - b. **Permits**—The Planning Board found information regarding correcting information on the site plan and providing sign details. Some of the comments are addressed on the revised site plan, while others are included as conditions of approval of this technical staff report.
 - c. **Prince George's County Police Department**—In a memorandum dated May 27, 2015, the Police Department, after reviewing the site plan and visiting the site, offered the following comments with regard to the maintenance/repairs of the playground area:

The playground area is in need maintenance/repairs:

- Exposed rebar used to anchor landscape timbers;
- Deteriorating timbers need to be repaired, capped, or replaced;
- Six-foot fence needs repair;
- An exposed metal pole needs to be capped;
- A section of chain linking two border metal poles needs to be replaced;
- There are a few dead limbs above the play area which need to be trimmed.

These observations and recommendations are addressed as proposed conditions.

14. 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.
15. 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-15007 subject to the following conditions:

1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made:
 - a. Remove Note 1(e) from the detailed site plan.
 - b. Correct Note 1(f) read "net parking requirement is 105."
 - c. Correct the parking departure in General Note 1(h) to a departure of 31 spaces entitled "Parking, Loading and Use requirements."
 - d. Correct the freestanding sign measurement note on the site plan and provide total square footage of the freestanding sign on the plan.
2. Prior to issuance of a use and occupancy permit, the applicant shall:
 - a. Renovate the play area as follows:
 - (1) Repair exposed rebar used to anchor the landscape timbers;
 - (2) Repair all deteriorating timbers, capped, or replaced;
 - (3) Repair the six-foot fence around play area;
 - (4) Recap the exposed metal pole;
 - (5) Replace a section of the chain linking two border metal poles;
 - (6) Trim dead limbs above the play area;
 - (7) Replace or refurbish the rusted play equipment;
 - (8) Mulch the entire play area.
 - b. Remove all temporary freestanding signs on the property.
 - c. Provide and restore all landscaping on-site as approved in the previous landscape plan dated June 1999, pursuant to Special Exception SE-4363 and Alternative Compliance AC-20003.

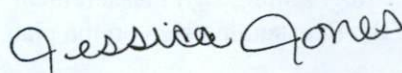
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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, Geraldo, Bailey and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 16, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July 2015.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:TA:ydw

APPROVED AS TO LEGAL SUFFICIENCY


M-NOPPC Legal Department

Date 7/22/15