

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 12-10

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File No. DSP-11024

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 February 9, 2012, regarding Detailed Site Plan DSP-11024 for Seeds of Excellence Learning Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care use for 25 children within an existing 17,900-square-foot church (Clinton Baptist Church), and an associated outdoor play area.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-80	R-80
Use(s)	Church	Church, Day Care
Acreage	9.12	9.12
Lots/Parcels	3	3
Total Square Footage	17,900	17,900

**Parking Data**

The site plan indicates that there are 229 existing parking spaces for the church and only 137 parking spaces are required. The Planning Board finds that the required parking numbers shall be corrected, as the parking requirement for a day care center for children is one parking space required per eight children, not one parking space per five children as shown on the site plan. While there appears to be more than sufficient parking for the proposal, the Planning Board finds that the required parking calculations shall be corrected prior to signature approval of the plan.

3. **Location:** The subject property is located on the north side of Woodyard Road (MD 223), 485 feet east of its intersection with Mike Shapiro Drive in Planning Area 81A within Council District 9. The property address is 8701 Woodyard Road.
4. **Surrounding Uses:** The subject site is bounded to the east by single-family dwellings in the R-80 Zone, and to the west by the Clinton Plaza townhouses in the Residential Townhouse (R-T) Zone. To the south, the subject site is bounded by the Woodyard Road (MD 223) right-of-way, beyond which are single-family dwellings in the Rural-Residential (R-R) Zone.
5. **Previous Approvals:** The property is known as Parcels 96, 99, and 124 located on Tax Map 116 in Grid F-2, and is 9.12 acres in the R-80 Zone (One-Family Detached Residential). Parcels 96,

99, and 124 are acreage parcels and have never been the subject of a record plat. The site plan shows the boundary of the parcels as reflected on the tax map.

Aerial images indicate that the original church building was constructed prior to 1965, and has been the subject of one significant building expansion and one parking lot expansion since its construction date.

6. **Design Features:** The 1,975-square-foot day care center for 25 children is to be located within the northeast wing of the Clinton Baptist Church in Clinton, Maryland. The Clinton Baptist Church is served by two existing driveways on the north side of Woodyard Road (MD 223). The day care center will be accessed internally through the church building. The most proximate entrance into the day care area is on the north side of the building at the rear of the church. In this area, northwest of the church building, there is an existing 2,600-square-foot grassed and fenced area, which is bounded by the church building on two sides. The applicant proposes to use this area as the play area for the day care center. The church is located on a 9.12-acre property, and the day care center and play area are located over 200 feet from the nearest residential property. At the rear of the church building is a surface parking lot to serve the church, and a large softball field, which is labeled as a playfield on the subject DSP.

The Planning Board finds that no architectural, parking, or landscape changes have been proposed with this detailed site plan.

The applicant has not submitted any signage for review, although the applicant has stated the desire to place a vinyl, freestanding sign to advertise the day care center along the site's Woodyard Road frontage. Section 27-617 of the Zoning Ordinance states that institutional signs, including those for churches and day care centers, are permitted in residential zones. However, only one sign is permitted along the property's Woodyard Road frontage and one brick monument-style church sign exists. The location of and details for any proposed sign for the day care center shall be included in the detailed site plan prior to signature approval. The sign will be required to meet the requirements of the Zoning Ordinance and, at this time, it does not appear that an additional sign will be permitted along Woodyard Road.

7. **Zoning Ordinance:** The Planning Board finds that the proposed children's day care use and outdoor play area are in conformance with Section 27-429 (R-80 Zone) and Section 27-441 (Uses Permitted in the R-80 Zone) of the Zoning Ordinance.

The proposed day care center for children is a permitted use in the R-80 Zone in accordance with Section 27-445.03(a)(1), which sets forth additional requirements for a day care center for children as follows:

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

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

According to this requirement, the Planning Board finds that a 1,875-square-foot outdoor play area is required for 25 children, the proposed day care center's maximum enrollment. The applicant indicated on the DSP that the proposed play area is over 2,600 square feet. There is an existing mechanical area (inclusive of two outdoor air conditioning units) within the existing fenced play area. The mechanical area shall be securely fenced and gated with a minimum four-foot-tall sight-tight fence, and shall be subtracted from the play area calculations.

- (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;**
- (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 proposed outdoor play area is not located within 25 feet of any dwelling on any adjoining lot.

The play area is enclosed by an existing four-foot-tall chain-link fence. A site plan note indicates that the applicant proposes to replace the existing four-foot-tall chain-link fence with a five-foot-tall chain link fence. The plan notes shall be revised to indicate the use of a five-foot-tall, black, vinyl-coated fence, as vinyl coating provides additional durability to a standard chain-link fence.

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

The Planning Board finds that the proposed play area is bordered by the church building on the east and south sides. For much of the day, the church building provides natural protection from the sun; however, during the late afternoon hours, some additional shade would be beneficial. The DSP includes a detail for a shade structure that has approximate dimensions of 12 feet by 26 feet. The Planning Board has no objection to the option of a shade structure, as it could provide an immediate shade solution if deemed necessary by the day care center. The shade structure is not a requirement of the subject approval. The Planning Board finds that a more economical and long-term shade solution is a shade tree in the northwest corner of the play area. During the hot summer months, a shade tree would shield the play area from some of the harsh afternoon sun, yet in the winter, a deciduous tree would allow warming sun rays into the play area for the benefit of the

users. The Planning Board therefore requires that a deciduous shade tree, such as a Red Maple, be provided in the northwest portion of the play area.

- (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; and**

The plan shall be revised to note that the play area will be limited to daylight hours, so that additional lighting will not be required. There are existing lamp posts within the parking lot and along the perimeter of the church building, but it is not demonstrated to the Planning Board's satisfaction that the existing lighting is sufficient for the play area to be used after daylight hours. If the play area is to be used after dark, additional lighting may be deemed necessary.

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

Information submitted indicates that the hours of the day care center operation are limited to the hours between 6:00 a.m. and 6:00 p.m. The hours of the play area are not clearly noted on the plan, yet shall be noted prior to signature approval.

The Planning Board finds that the play area is acceptable as designed and will meet the needs of the proposed day care center if the following additional safety issues are addressed:

- The landscape plan indicates that plant materials are located within the grass path that is the designated access way between the north building entrance and the play area. The Planning Board finds that the pine varieties shown on the landscape plan are a physical barrier to children using the designated grass walking path. If the described plant materials are not removed, children will need to walk from the building into the parking lot in order to access the designated play area. The site plan shall be revised to provide free, clear, and safe access from the day care center to the play area. Free and clear access may be demonstrated by providing a safe pedestrian route around the described plant materials into the play area, which may require the removal of one or more parking spaces. A gate may also be provided on the west side of the play area, which can be accessed from the west building entrance.
- The play area is bordered by the church building on two sides and the existing parking lot on two sides. Required wheel stops are missing along a number of parking spaces that border the play area. The Planning Board finds that missing wheel stops shall be provided in order to keep vehicles at their proper distance from the play area and grass path accessing it.

The application does not reference the church's tax-exempt identification number. This information shall be included in the application file, as it is a requirement for detailed site plan review and will be required to process a future use and occupancy permit for an accessory day care center for children within a church per Section 27-441, Footnote 34, of the Zoning Ordinance.

8. **Prince George's County Landscape Manual:** The Planning Board finds that the proposal for a day care use within an existing church, and associated playground, is exempt from the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) because the proposed improvements will not require a building or grading permit, do not involve a change of use from a lower to a higher intensity use category or from a residential to a nonresidential use, and do not involve an increase in gross floor area (GFA). All previous expansions for the church, including building and parking lot expansions had been completed prior to the effective dates of the 2010 and 1990 Landscape Manuals.

While the church is not subject to any requirements of the Landscape Manual, the Planning Board finds that it is subject to pre-Landscape Manual requirements. At the time of the most recent site alteration, an expansion of a surface parking lot in 1989 pursuant to Permit 10372-88-GU, the site plan demonstrated conformance with the landscape requirements of the time, including a six-foot-wide landscape strip along the property's street frontage and more than five percent interior landscape area in the parking lot. The site is required to remain in conformance with the required landscaping shown on previously-approved permit plans. Therefore, prior to signature approval, the applicant shall submit an inventory of existing plant material, and provide a plan for the replacement of required plant material that is missing along Woodyard Road (MD 223) and within the parking lot. Prior to signature approval, any required plant materials that are dead or missing shall be shown to be replaced on the subject site plan. Any new plant material along Woodyard Road shall be located outside of the ultimate right-of-way of Woodyard Road.

9. **Woodland and Wildlife Habitat Conservation Ordinance:** The subject application proposes the addition of a day care center inside an existing building and an outdoor play area. The project proposes less than 5,000 square feet of disturbance and will not require a grading permit.

The Planning Board finds that because the subject detailed site plan will not require a grading permit per Section 32-127(a)(6)(A) of the Prince George's County Code, the following items are not required for this review:

- a. A natural resources inventory (NRI)
- b. A Type 2 tree conservation plan (TCP2) or a letter of exemption
- c. Demonstration of compliance with Division 3 of Subtitle 25, the Tree Canopy Coverage Ordinance

The proposal does not impact any woodlands or regulated environmental features.

10. **Further Planning Board Findings and Comment from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning North Division**—The Planning Board finds that the application is consistent with the 2002 *Prince George's County Approved General Plan Development*

Pattern policies for the Developing Tier, and conforms to the Developing Tier land use recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.

The day care center has no planned use for the adjacent church ball field, which has been traditionally used for church-sponsored softball games. The play area provided adjacent to the center is adequate for the proposed 25-child center.

- b. **Transportation Planning**—The site has frontage on Woodyard Road (MD 223), which is a master plan arterial facility within a planned 120-foot right-of-way. The ultimate right-of-way extends 60 feet into the subject property beyond the current right-of-way line. The final permit plans shall indicate the ultimate right-of-way 60 feet beyond the current property line.

The Planning Board finds that there is an existing ground-mounted sign located within the ultimate right-of-way for Woodyard Road. The sign shall be located on the site plan. The applicant shall also provide a note on the site plan stating that the sign shall be moved out of the right-of-way at the owner's expense at a time deemed necessary by the State Highway Administration (SHA), or as otherwise agreed upon by the applicant and SHA.

The use will be served by two existing driveways that serve the site, and circulation within the site will remain as it exists. The Planning Board finds that this is acceptable given the size of the use relative to the overall site.

- c. **Subdivision Review**—Pursuant to Section 24-107 of the Subdivision Regulations, the Planning Board finds that the application is exempt from the requirement of filing a preliminary plan of subdivision because no new gross floor area (GFA) is proposed.
- d. **Permit Review**—The Permit Review Section provided several comments which are addressed through conditions of approval of this detailed site plan.
- e. **Maryland Department of Human Resources**—The Maryland Department of Human Resources did not provide comments on the subject application.
- f. **Prince George's County Health Department**—The Environmental Engineering Program stated that a health impact assessment has been completed, and the Health Department has no comment.
11. As required by Section 27-285(b) 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.

Since the site contains no regulated environmental features, the finding required by Section 27-285(b)(4) need not be made in this case.

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-11024, subject to the following conditions:

1. Prior to certificate approval, the detailed site plan (DSP) shall be revised to show the following:
  - a. The required parking space calculations shall be corrected to reflect the parking requirement for a day care center as one parking space required per eight children, not one parking space per five children as shown on the site plan. The parking schedule shall also be corrected to state that the required parking for the church is one space to every four seats.
  - b. The location of and details for any proposed sign for the day care center shall be included in the DSP. The sign shall meet the requirements of the Zoning Ordinance.
  - c. The site plan shall label the existing mechanical area (inclusive of two outdoor air conditioning units) within the existing fenced play area. The mechanical area shall be securely fenced and gated with a minimum four-foot-tall sight-tight fence, and shall be subtracted from the play area calculations.
  - d. Details of all proposed fencing shall be provided.
  - e. The application shall specify the use of a vinyl-coated chain-link fence.
  - f. A deciduous shade tree, such as a Red Maple, shall be provided in the northwest portion of the play area.
  - g. The hours of operation for the day care center and play area shall be demonstrated on the site plan. If the play area is to be used after dark, satisfactory lighting shall be demonstrated on the site plan.
  - h. The site plan shall demonstrate the location and width of the gate accessing the play area.
  - i. The application shall include the church's tax-exempt identification number.
  - j. Any required plant materials shown on previously approved permit plans that are dead or missing shall be shown to be replaced on the subject site plan. Any new plant material along Woodyard Road (MD 223) shall be located outside of the ultimate right-of-way.

- k. The ultimate right-of-way for Woodyard Road (MD 223) shall be shown on the subject site plan.
  - l. The existing church sign shall be located on the plan.
  - m. The following note shall be added to the site plan:  

“The existing monument-style sign located within the Woodyard Road (MD 223) ultimate right-of-way shall be relocated out of the right-of-way at the owner’s expense at a time deemed necessary by the State Highway Administration (SHA), or as otherwise agreed upon by the applicant and SHA.”
  - n. The site plan shall be revised to provide free and clear pedestrian access from a day care entrance to the designated day care play area.
2. Missing wheel stops in the parking spaces north and west of the designated day care play area shall be provided in order to keep vehicles at their proper distance from the play area and grass path accessing it.

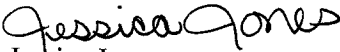
BE IT FURTHER RESOLVED, that an appeal of the Planning Board’s action must be filed with the District Council of Prince George’s County within thirty (30) days following the final notice of the Planning Board’s decision.

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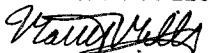
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Shoaff, Squire and Hewlett voting in favor of the motion at its regular meeting held on Thursday, February 9, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of March 2012.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.  
  
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M-NCPPC Legal Department  
Date 2/16/12