

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 January 21, 2010, regarding Detailed Site Plan DSP-06093 for New Birth Christian Church Day Care, the Planning Board finds:

1. **Request:** The subject application is a request for approval of a day care center with a maximum enrollment of 40 children within an existing church on a 6.81-acre property in the R-55 Zone.
2. **Surrounding Uses:** The subject property is located on the west side of Meadowview Drive, southwest of its intersection with Suitland Road (MD 218). The irregularly-shaped property fronts on Meadowview Drive to the east and is bounded to the north and northwest by a vacant parcel in the R-55 Zone, which is owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) and separates the subject site from Suitland Road (MD 218). The site is bounded to the south and southwest by single-family detached residences in the R-55 Zone.
3. **Previous Approvals:** Preliminary Plan of Subdivision 4-05153 was approved by the Planning Board on July 20, 2006 (PGCPB Resolution No. 06-145). A final plat PM 220 @ 60 was recorded on July 2, 2007, for Parcel A, known as New Birth Christian Church.

The site also has an approved Stormwater Management Concept Plan 46735-2005-01, which will remain valid until May 29, 2011.

4. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	R-55	R-55
Use(s)	Church	Church and Day care center
Acreage	6.81	6.81
Parcels	1	1
Square Footage	12,600	12,600
Dwelling Units	0	0

Parking Required:

Church

350 seats (one space per 4 seats)

88 spaces

Day Care Center

40 children (one space per 8 children) 5 spaces
Total: 93 spaces

Parking Provided:

68 standard spaces
17 compact spaces
8 handicap spaces
Total: 93 spaces

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

40 children x 0.5 x 75 square feet 1,500 square feet

Enclosed Play Area Provided:

2,366 square feet

5. **Design Features:** The subject detailed site plan proposes a day care center for children with a maximum total enrollment of 40 children (ages 2–5) within an existing 12,600-square-foot church building. A 2,366-square-foot play area is proposed on the west side of the building, which will be fully enclosed by four-foot-high, vinyl coated chain-link fencing. Landscaping will be provided within the play area, which will, in combination with the existing woodland to the west, provide shade to the play area.
6. **Conformance to Preliminary Plan 4-05153:** Preliminary Plan of Subdivision 4-05153 was approved by the Planning Board on July 20, 2006 (PGCPB Resolution No. 06-145) subject to 12 conditions, of which the following are applicable to the review of this detailed site plan and warrant discussion as follows:

2. **Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit to the M-NCPPC Planning Department copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

The Expanded Buffer shown on the detailed site plan differs from that shown on the approved preliminary plan of subdivision west of the proposed play area. The expanded buffer shown on the DSP was based on the Henson Creek floodplain study, a more detailed study that was available at the time of DSP and used to show the corrected buffer.

4. **Development of this subdivision shall be in compliance with the Type I tree conservation plan (TCPI/13/06) approved as part of this application.**

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/13/06), or as modified by the Type II tree conservation plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland Conservation and Tree Preservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

The subject detailed site plan is in conformance with the approved tree conservation plan.

- 7. The applicant shall provide a standard sidewalk along the subject site’s entire frontage of Meadowview Drive unless modified by DPW&T.**

The subject detailed site plan shows a standard sidewalk along the subject site’s entire frontage of Meadowview Drive.

- 8. Total development within the subject property under this preliminary plan shall be limited to 37 AM and 38 PM peak hour vehicle trips. Any development greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The subject detailed site plan is in conformance with this condition.

- 10. Development must be in accordance with the approved Stormwater Management Concept Plan 46735-2005-00.**

The subject detailed site plan is consistent with the approved stormwater management concept plan.

- 11. A note shall be placed on the final plat that prior to the issuance of building permits, the applicant shall have the partially filled open shallow well located near the existing block foundation cleaned out and properly backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department.**

This was added as Plat Note 4 and was enforced prior to the issuance of the building permit.

- 7. Conformance to Record Plat PM 220 @ 60:** The property is the subject of Record Plat PM 220 @ 60, recorded on July 2, 2007, for Parcel A, known as New Birth Christian Church. The detailed site plan is in conformance with the final plat.
- 8. Conformance to the applicable sections of the Zoning Ordinance:** The detailed site plan is in conformance with Section 27-430, R-55 Zone, and Section 27-441, Uses Permitted in the R-55

Zone. The proposed day care center is a permitted use in the R-55 Zone. The detailed site plan is also in conformance with Section 27-442, Regulations in the R-55 Zone.

The detailed site plan is in conformance with Section 27-445.03 of the Zoning Ordinance, which sets forth additional required findings for a day care center for children:

(1) Requirements.

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

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

According to this requirement, a 1,500-square-foot play area is required for 40 children, the proposed licensed capacity of the proposed day care center. The proposed play area is 2,366 square feet, which is more than adequate.

- (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 proposed play area is not located within 25 feet of any dwelling on any adjoining lot and will be enclosed with four-foot-high vinyl-coated chain-link fencing. Vinyl-clad chain-link fencing is appropriate given that the play area is proposed to be located between the building and an area of substantial woodlands and will not be readily visible from the road or the majority of the parking facility. The play area will be screened further by the existing six-foot-high board-on-board fencing that encloses the building's mechanical equipment.

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

The proposed play area is located adjacent to an area of mature woodland which will provide shade to a large portion of the play area during warmer months. The

applicant is also proposing to plant one deciduous shade tree within the southern portion of the play area to provide additional shade. Two additional shade trees shall be added in the northern portion of the play area to provide additional shade and to enhance the appearance of the play area from the parking facility.

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

The plans indicate that the play area will not be used after 4:30 p.m. Therefore, the play area will not be available for use during times of darkness and will not be required to be lighted.

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

The plans indicate that outdoor play will be restricted to the hours between 7:00 a.m.–4:30 p.m.

(2) **Site plan**

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

This application has been filed to fulfill this requirement.

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

- (i) **The proposed enrollment;**

The proposed enrollment has been indicated on the plans as 40 children.

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

This information has been provided on the plans.

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

The location and size of the proposed outdoor play area has been shown on the plans and has been found to be adequate. The play area is adjacent to the building and will be accessed via a concrete sidewalk. It is shielded from Meadowview Drive by the existing building and is separated from the adjacent single-family

detached residences to the south and west by a substantial area of existing woodlands. Although it is not a requirement of the Zoning Ordinance, the applicant has indicated that they plan to provide a play structure or other play equipment within the play area in accordance with state child care licensing requirements.

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

See Finding 9 for a detailed discussion of the detailed site plan's conformance with the *Prince George's County Landscape Manual*.

9. ***Prince George's County Landscape Manual***: This application is exempt from the *Prince George's County Landscape Manual* because there is no proposed increase in gross floor area, and there is no change in use from a lower to a higher impact category as defined by Section 4.7, Buffering Incompatible Uses. A site plan was reviewed for conformance with the Landscape Manual with the building permit for the church. The landscaping shown on the subject detailed site plan is consistent with that approval.
10. **Woodland Conservation and Tree Preservation Ordinance**: The subject detailed site plan is in conformance with the approved Type II Tree Conservation Plan, TCPII/059/09.
11. **Referrals Agencies and Departments**: This application was referred to the concerned agencies and divisions. The referral comments are summarized as follows.
 - a. **Permit Review Section**—The applicable comments relating to the issuance of permits have been addressed through revisions to the plans.
 - b. **Transportation Planning Section**—The plan is consistent with Preliminary Plan of Subdivision 4-05153 and is therefore deemed acceptable.
 - c. **Subdivision Section**—This analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-05153 is discussed in detail in Finding 6.
 - d. **Community Planning South Division**—The plans are not inconsistent with the 2002 General Plan Development Pattern policies for Developed Tier Centers and conforms to the land use recommendations of the 1986 *Approved Master Plan and Sectional Map Amendment for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B*.
 - e. **The Department of Public Works and Transportation (DPW&T)**—DPW&T provided standard comments and indicated that the detailed site plan is in conformance with the approved stormwater management concept plan.
 - f. **Trails**—A standard sidewalk should be provided along the site's entire frontage along Meadowview Drive, but that this condition would be void if construction has already

occurred. A sidewalk is shown on the DSP and the approved site plan for the building permit associated with the church and will be constructed.

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.

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-06093, subject to the following condition:

1. Prior to certification, the plans shall be revised to show two additional shade trees in the northern portion of the 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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, January 21, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of February 2010.

Patricia Colihan Barney
Acting Executive Director

By Frances J. Guertin
Planning Board Administrator