

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 November 19, 2009, regarding Detailed Site Plan DSP-08078 for Church of the Rapture Little Stars of Heaven 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 250 children within an existing church on a 4.45-acre property in the C-O Zone.
2. **Surrounding Uses:** The subject property is located on the west side of St. Barnabas Road, in the southwest quadrant of its intersection with Wilkinson Drive. The rectangular-shaped property fronts on Wilkinson Drive to the north and is bounded to the west by townhouses in the R-T (Townhouse) Zone, and to the south by a multifamily development in the R-10 (Multifamily High Density Residential) Zone.
3. **Previous Approvals:** Record Plat WWW 60 @ 46 was recorded on June 17, 1966 for Parcel A, known as the Silver Hill Elementary School.

The site also has an approved Stormwater Management Concept Plan 39769-2008-00, which will remain valid until December 15, 2011.

4. **Development Data Summary**

	EXISTING	APPROVED
Zone(s)	C-O	C-O
Use(s)	Church	Church and Day care center
Acreage	4.45	4.45
Parcels	1	1
Square Footage	32,910	32,910
Dwelling Units	0	0

Parking Required:

Church

375 seats (one space per 4 seats) 94 spaces

Day Care Center

250 children (one space per 8 children) 32 spaces

Total: 126 spaces

Parking Provided:

127 standard spaces

33 compact spaces

7 handicap spaces

Total: 167 spaces

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

250 children x 0.5 x 75 square feet 9,375 square feet

Enclosed Play Area Provided:

16,802 square feet

5. **Design Features:** The subject detailed site plan proposes a day care center for children with a maximum total enrollment of 250 children (ages 2–13) within an existing 32,910-square-foot church building, which was previously the Silver Hill Elementary School. A 4,382-square-foot play area is proposed on the east side of the building. A portion of the existing parking facility will be restriped to accommodate this play area. Chain-link fencing is proposed to be added to connect to existing six-foot-high, chain-link fencing along the site’s Wilkinson Drive frontage, creating an additional fully enclosed 12,420-square-foot play area. Landscaping will be provided within the smaller play area, which will be enclosed with a four-foot-high, decorative, composite fence and will contain a play structure, swing, sandbox, benches, and trash receptacles. The applicant is proposing to install a small sign within the smaller play area welcoming users and outlining play area rules.
6. **Conformance to Record Plat WWW 60 @ 46:** The property is the subject of Record Plat WWW 60 @ 46, which was recorded on June 17, 1966 for the Silver Hill Elementary School. The detailed site plan is in conformance with the final plat. In addition, the application is exempt from the requirement of a preliminary plan of subdivision pursuant to Section 24-111(c) of the Subdivision Regulations because there is no increase in gross floor area of the building proposed with this application.
7. **Conformance to the applicable sections of the Zoning Ordinance:** The detailed site plan is in conformance with Section 27-453, C-O Zone, and Section 27-461, Uses Permitted in the C-O

Zone. The proposed day care center is a permitted use in the C-O Zone. The detailed site plan is also in conformance with Section 27-462, Regulations in the C-O Zone.

The detailed site plan is in conformance with Section 27-464.02 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 9,375-square-foot play area is required for 250 children, the proposed licensed capacity of the proposed day care center. Two play areas are proposed for a total square footage of 16,802. At the public hearing, the applicant proffered a condition (Condition 1.e.), which will result in a larger play area.

- (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;**

- (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;**

Neither of the proposed play areas is located within 25 feet of any dwelling on any adjoining lot. The smaller play area will be enclosed with four-foot-high, composite fencing and the larger play area is proposed to be enclosed with existing six-foot-high, chain-link fencing and the proposed four-foot-high, chain-link fencing. Per the applicant's proffered condition (Condition 1.e.) the additional chain link fencing proposed to enclose the larger play area will no longer be necessary.

- (iv) An off-premises outdoor play or activity area shall be located in proximity to the day care center, and shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway;**

The proposed play areas are not located off-site.

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

Several mature deciduous trees are located within the larger play area. The smaller play area is partially shaded by a building overhang. The applicant is also proposing to plant three deciduous shade trees to provide additional shade.

- (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**

According to the applicant, the play area will be used between the hours of 7:00 a.m. and 6:00 p.m. During the winter months, the play area shall not be available for use during times of darkness. Prior to signature approval of the detailed site plan, a note shall be added to the plans indicating that the play areas will not be used after dusk.

- (vii) **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. and 6:00 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 250 children.

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

This information has not been provided on the plans. A condition has been incorporated, which will require the addition of this information to the plans prior to their certification.

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

The location and size of the proposed outdoor play areas have been shown on the plans. The total size of the outdoor play area has been determined to be adequate. The larger play area is located adjacent the street, approximately 100 feet from the building and is separated from the smaller play area. Per the applicant's proffered condition, Condition 1.e., the additional fencing proposed to enclose the larger play area will be eliminated. The existing fenced area will serve as the large play area and will be accessed via the small play area

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

See Finding 8 for a detailed discussion of the detailed site plan's conformance with the *Prince George's County Landscape Manual*.

8. ***Prince George's County Landscape Manual:*** The site is exempt from the *Prince George's County Landscape Manual* because there is no proposed increase in gross floor area, there is no change in use from a lower to a higher impact category as defined by Section 4.7, Buffering Incompatible Uses, and no new asphalt is proposed either.
9. **Woodland Conservation and Tree Preservation Ordinance:** The subject site is exempt from the requirements of the Prince George's County Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland on-site and has no previous tree conservation plan (TCP) approvals. The applicant was issued a standard letter of exemption on October 3, 2008, which will remain valid until October 30, 2010.
10. **Referral Agencies and Divisions:** This application was referred to the concerned agencies and divisions. The referral comments are summarized as follows.
 - a. **Permit Review:** Applicable comments relating to the issuance of permits have been addressed through revisions to the plans.
 - b. **Transportation Planning:** There are no transportation-related conditions applicable to this plan and that access and circulation as shown on the plans are acceptable.
 - c. **Subdivision:** The analysis of the site plan's conformance with Record Plat WWW 60 @ 46 is discussed in detail in Finding 6 above.
 - d. **Community Planning:** The plans are not consistent with several goals set forth in the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*.

The use of chain-link fencing to screen the children's play area does not add any positive aesthetic value to the site and does not meet Goal 1, Strategy 7 of the Design and Appearance section of the sector plan, which states, "...[m]inimize use of unattractive materials such as chain-link fencing, concrete or cinder block walls, and barbed wire as access-control methods in favor of durable, attractive materials." In addition, the visibility of the parking lot and parked automobiles from the street should be minimized by a berm, a low wall or hedge planting, or a combination of both in accordance with Goal 2, Site Design, Strategy 1.4 of the Design and Appearance section, which states, "[p]rovide low screen walls or hedges, or both, at those places where surface parking can be viewed from the street."

The detailed site plan shows approximately 1,275 linear feet of existing chain-link fencing on this previous public school site. The applicant is proposing to install approximately 295 linear feet of chain-link fencing on the site in order to enclose the large play area. This additional chain-link fencing will be eliminated per Condition 1.e. The Planning Board finds that the applicant's desire to limit access into its property is appropriate and therefore does not recommend removal of the rest of the existing fencing located on the property. Replacement of the 1,275 linear feet of existing chain-link fencing would require a considerable investment on the part of the applicant. Chain-link fencing does not improve the appearance of the site, but has in all likelihood been in existence since the elementary school was in operation. In this application, chain-link fencing restricts access while providing for open views into the property for the purpose of patrol and crime prevention. The applicant shall be required to provide photographs of the existing chain-link fencing in multiple locations to verify that the existing fencing is in good condition. Any fencing in disrepair shall be repaired or replaced.

The Planning Board finds that screening of the surface parking facilities from the street is appropriate. A condition has been incorporated, which will require the provision of a low (three- to four-foot-high) decorative masonry wall or shrub hedge between the surface parking lot in front of the building and Wilkinson Drive, and between the eastern edge of the surface parking lot and St. Barnabas Road.

- e. **The Department of Public Works and Transportation (DPW&T):** DPW&T provided standard comments and indicated that the proposed elimination of six parking spaces may result in on-street parking on neighboring roadways. The Planning Board finds that, as demonstrated above, the applicant has provided 41 parking spaces in excess of the minimum parking requirement of the Zoning Ordinance.
- f. At the time of the Planning Board hearing, the State Highway Administration (SHA), the Prince George's County Fire Department, and the Maryland Department of Human Resources Child Care Licensing Office have not provided responses to the referral request.

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-08078, subject to the following conditions:

1. Prior to certification, the applicant and the applicant's heirs, successors and/or assignees shall:
 - a. Add a note to the plans indicating that the play areas will not be used after dusk.
 - b. Revise the plans to show the location and use of all buildings on adjoining lots.
 - c. Revise the plans to show a low (three- to four-foot-high) decorative masonry screen wall or shrub hedge between the portion of the parking lot located in the front of the building and Wilkinson Drive, and between the eastern edge of the parking lot and St. Barnabas Road. Details of such screening elements shall be provided on the plans.
 - d. Provide photographic verification that all portions of the existing chain-link fencing are in good condition. Any fencing that is in disrepair shall be repaired to the satisfaction of Urban Design staff as designee of the Planning Board or shall be indicated on the plans to be replaced.
 - e. Revise the plans to remove the proposed fencing around Play Area 1 in order to provide a large open play area. The existing fencing on the site shall remain. Provide a gate near the northwest corner of Play Area 2 in order to provide access to the large open 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 Vaughns, seconded by Commissioner Cavitt, with Commissioners Vaughns, Cavitt, Clark and Parker voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, November 19, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of December 2009.

Patricia Colihan Barney
Executive Director

By Frances J. Guertin
Planning Board Administrator

PCB:FJG:JS:arj

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