

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 February 12, 2004, regarding Detailed Site Plan DSP-03057 for Shalom Ministries Christian Center, the Planning Board finds:

1. **Request:** The subject application is for a day care center for ten children in an existing church in the C-S-C Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Church	Church and Day Care Center
Acreage	1.04	1.04
Lots	0	0
Parcels	1	1
Square Footage/ GFA	12,228	12,228

3. **Location:** The subject site is in Council District 8, Planning Area 80. It is located on the south side of Kerby Hill Road, on the west side of Indian Head Highway, and on the east side of Oxon Hill Road.
4. **Surroundings and Use:** The subject property is bounded on the north by Kerby Hill Road, on the south by vacant property zoned R-T, on the east by a gas station zoned CM and vacant property zoned R-R, and on the west by a single-family residence and vacant property zoned R-R.
5. **Previous Approvals:** None
6. **Design Features:** The applicant is proposing a day care center for ten children within the existing 12,228-square-foot church. Access to the property is from Kerby Hill Road. The existing parking on the east side of the church will be used for the day care center parking. The outdoor play area for the day care center is proposed on the west side of the church. The applicant is proposing a four-foot-high, chain-link fence with a gate for the play area. The play area will have a combination of mulch and asphalt paving. The applicant has not provided any information on proposed signs. A condition of approval has been added to require the applicant to submit details for any proposed signs.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:**

Footnote 12 of Section 27-461, Uses Permitted in Commercial Zones, states that a day care center for children is a permitted use. In a publicly-owned recreational facility, a school, a church, or a public building, a day care center shall only be permitted as an accessory use. A church must provide its tax exempt identification number when applying for a Detailed Site Plan or a building or use and occupancy permit for an accessory day care center for children.

The proposed day care center will be an accessory use to the church. A condition of approval has been added to require the church to provide its tax exempt identification number.

Section 27-464.02, day care center for children, states (in part):

- (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;*

Proposed enrollment: 10 children

50 percent of the licensed capacity: 5

Area of play area required: $10 \times 75 \times 0.5 = 375$ square feet.

Area of play area provided: 1,700 square feet.

- (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;*

The proposed play area will be set back more than 30 feet from any dwelling on the adjacent property to the west and will be enclosed by a four-foot-high, chain-link fence with a gate. The applicant has not provided details of the chain-link fence. A condition of approval has been added to require the same.

- (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 play area will not be located within 25 feet from any dwelling on an adjoining lot. The proposed fence will be sufficient to completely enclose the play area to ensure safety of the children utilizing it and prevent the children from wandering into the service driveway. The purpose of the gate is to ensure the safety of the children by preventing them from wandering into

the parking lot while going in and out of the day care center and the play area. The gate must be open when the children are taken to the play area from the day care center and vice versa. The gate must be closed when the children are in the play area to ensure their safety. The gate must have a latch that is located at a minimum height of four feet from the finished surface of the walkway so that the children cannot access it. The gate must not be locked but the latch must be designed in such a way that it can be easily operated by adults. A condition of approval has been added to ensure these safety requirements.

- (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 area is on the west side of the existing church and will be accessed from within the church. Crossing a street or a driveway is not required to access the play area from the day care center.

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

The fence, the existing church building and trees around the play area are not sufficient to shade it. A condition of approval has been added to require an outdoor shade structure for the play area to provide sufficient shade during the warmer months.

- (vi) *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*

Lighting for the play area will be provided by building-mounted lights.

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

The proposed outdoor play is limited to the hours between 7 A.M. and 9 P.M.

With the proposed conditions, the proposal is consistent with the requirements of Section 27-464.02 regarding screening and safety and shade requirements of the play areas.

The proposed parking is consistent with the following requirements of Sections 27-568 and 27-582, Off-Street Parking and Loading, of the Zoning Ordinance:

Required Parking		Existing Parking
Church 1 space for every 4 seats for a total of 76 seats	19	15
Day Care Center 1 space for 8 children for 10 children	2	2
TOTAL	21	17
Required Loading		Existing Loading
For an institutional use, one loading space for 10,000 to 100,000 sq.ft of GFA	1	1
TOTAL	1	1

According to Section 27.572, Joint Use of a Parking Lot of the Zoning Ordinance, the normal requirement for each use can be reduced by up to 20 percent. Therefore, 17 parking spaces will be required. The applicant has provided 17 parking spaces.

8. **Landscape Manual:** Since the subject Detailed Site Plan does not involve an increase in gross floor area, an increase in parking area, or a change in the principal use of the property as a church, the proposal is exempt from the requirements of the *Landscape Manual*. The applicant has not provided information on the existing landscaping for the property. A condition of approval has been added to require the same. Although the proposal is exempt from the requirements of the *Landscape Manual*, a condition of approval has been added to require a row of evergreen trees every 20 feet along the northern property line adjoining Kerby Hill Road to screen the parking lot and the church from the street.
9. **Woodland Conservation Ordinance:** Compliance with the Woodland Conservation Ordinance is discussed in Finding 10.g.
10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. In a memorandum dated December 10, 2003, the Permits Review Section has required minor changes to the site plan. Conditions of approval have been added to require the same.
 - b. In a memorandum dated December 12, 2003, the Washington Suburban Sanitary Commission has stated that there are existing WSSC facilities on this site.
 - c. In a memorandum dated December 30, 2003, the Community Planning Division has stated that the proposal is consistent with the 2002 General Plan policies for the Developing Tier. The proposal does not conform with the land use recommendations of the 1981 master plan for Subregion VII. The master plan identifies the property as part of a proposed expressway interchange at the Indian Head Highway and Kerby Hill Road intersection. The subject property is within the right-of-way for a proposed grade-

separated interchange. As an interim use within a proposed future right-of-way, the day care center within an existing church conforms with the C-S-C Zone.

- d. In a memorandum dated December 18, 2003, the Department of Environmental Resources has stated that they have no objections to the proposal.
 - e. In a meeting on January 23, 2004, the Subdivision Section has stated the subject property is a legal parcel and that there are no subdivision issues associated with this proposal.
 - f. In a memorandum dated January 26, 2004, the Transportation Planning Section stated that they have no comments regarding the proposal, access or circulation within the site. The only issue is that the subject site is within the planned right-of-way for the future MD 210/Kerby Hill Road interchange. Since no new buildings are proposed, the Transportation Planning Section has no objections to the plan.
 - g. In a memorandum dated December 3, 2003, the Environmental Planning Section has stated that the proposal is exempt from the requirements of the Woodland Conservation Ordinance. The Section issued a letter of exemption from the Woodland Conservation Ordinance on August 13, 2003.
 - h. A referral was sent to the Office of Child Care Licensing. No comments have been received as of this date.
11. The proposal will not alter the existing intensity of the use on the subject property. The proposal will not have any significant adverse impacts on the subject property or the surrounding properties. Therefore, Detailed Site Plan DSP-03057 is found to represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs 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-03057, subject to the following conditions:

- 1. Prior to certificate approval the applicant shall revise the site and landscape plans to show the following:
 - a. The tax exempt identification for the church.
 - b. Details of the chain-link fence and gate.
 - c. A note stating that the gate shall be closed when the play area is being used. The gate shall only be open when the children are being taken in and out of the play area. It shall have a latch that is located at least four feet from finished grade in the play area and easily operated by adults.

- d. Details and specifications of a shade structure for the play area to sufficiently shade the play area in the summer months.
- e. Information on the hours of operation for the church and day care center.
- f. Existing landscaping on the subject property.
- g. A row of evergreen trees every 20 feet along the northern property line adjoining Kerby Hill Road to screen the parking lot and the church from the street.
- h. The driveway entrance clearly demarcated.
- i. The access to the loading space clearly demarcated.
- j. All adjacent uses and zones.
- k. Details regarding the location, design, size, colors and materials of any proposed signs.

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, February 12, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of March 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator