

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 March 1, 2012, regarding Detailed Site Plan DSP-10034 for Master's Child Church, Loving Kindness Ministry Daycare, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care center with a maximum enrollment of 66 children within an existing church on a 1.78-acre property in the Commercial Shopping Center (C-S-C) Zone.
2. **Surrounding Uses:** The subject property is located in the northwest quadrant of the intersection of Marlboro Pike and Brooks Drive. The rectangular-shaped property fronts on Brooks Drive to the south and Marlboro Pike to the east. The site is bounded to the west by a vacant and wooded parcel in the Multifamily High Density Residential (R-10) Zone and to the north by a laundromat in the C-S-C Zone.
3. **Previous Approvals:** Final Plat WWW 66 @ 100 was recorded on November 22, 1967 for Parcel A, known as Marlbrooks.
4. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Church	Church and Day Care Center
Acreage	1.78	1.78
Parcels	1	1
Square Footage	19,591	19,591
Dwelling Units	0	0

**Parking Required:**

**Church**

350 seats (one space per 4 seats) 88 spaces

**Day Care Center**

66 children (one space per 8 children) 9 spaces

**Total: 97 spaces**

**Parking Provided:**

Church 86 standard spaces

Day Care Center 6 parallel spaces

4 handicap spaces (1 of which is van accessible)

**Total: 96 spaces**

**Loading Spaces Required: 1**

(one space for 10,000 – 100,000 s.f. of GFA)

**Loading Spaces Provided: 0**

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

66 children x 0.5 x 75 square feet = 2,475 square feet

**Enclosed Play Area Provided:**

1,650 square feet (Play Area 1) and 3,330 square feet (Play Area 2)

Conditions regarding the deficiency in parking and loading spaces have been incorporated as conditions of this approval of this application and are further discussed in Findings 9 and 12 below.

5. **Design Features:** The subject detailed site plan is for approval of a day care center for children with a maximum total enrollment of 66 children within an existing 19,591-square-foot church building.

A 1,650-square-foot play area (Play Area 1) was proposed on the north side of the building, to be fully enclosed by a six-foot-high aluminum ornamental fence. During the hearing, the Planning Board accepted the applicant's proposal to remove Play Area 1 to allow a loading space to be located in its place. Photos submitted by the applicant show an existing defunct play structure, a falling fence, a ladder, and grills within Play Area 1. A condition requiring the plans be revised to indicate that the existing play structure, fencing, and other outdoor items stored in this area be removed has been included as a condition of approval of this application.

A 3,330-square-foot play area (Play Area 2) is approved on the west side of the building, which will be fully enclosed by a six-foot-high chain-link fence. The approval includes adding six to twelve inches of wood chips over the existing asphalt in Play Area 2, to be retained by timber edging anchored into the asphalt. The applicant has not proposed a shade structure in this area which receives full sun exposure. A condition of approval requires a shade structure be added to the approved plan and further discussion has been provided in Finding 8 below. Striping for parking spaces is also shown on the plans within the fenced portion of Play Area 2. These spaces were not counted towards the parking calculations and shall be removed from the plans. A condition has been included with the approval of this application to remove the parking space striping within the fencing shown around Play Area 2.

7. **Conformance to Record Plat WWW 66 @ 100:** The property is the subject of Record Plat WWW 60 @ 100, recorded on November 22, 1967, for Parcel A, known as Marlbrooks. The detailed site plan was reviewed by the Subdivision Review Section and found to be in substantial conformance with the record plat as indicated in Finding 12 below.
8. **Conformance to the applicable sections of the Zoning Ordinance:** The detailed site plan is in conformance with Section 27-454, C-S-C Zone, and Section 27-461, Uses Permitted in the C-S-C Zone. The proposed day care center is a permitted use in the C-S-C Zone. The detailed site plan is also in conformance with Section 27-462, Regulations in the C-S-C 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 minimum 2,475-square-foot play area is required for 66 children, the capacity of the approved day care center. There are two proposed play areas, one being 3,330 square feet and the other being 1,650 square feet. The Planning Board approves the removal of the 1,650-square-foot play area to accommodate a loading space, leaving one 3,330-square-foot play area which provides more than the minimum square footage of play area. Additionally, specific times regarding the use of each play area indicate that no more than 17 children will use each play area at a given time. However, with the removal of the 1,650-square-foot play area, the 3,330-square-foot play area will

provide sufficient outdoor space for the day care with a maximum of 44 children occupying the space at any given time.

- (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 approved play area is not located within 25 feet of any dwelling on any adjoining lot. Play Area 2 is surrounded by an existing six-foot-high chain-link fence and is located in a portion of the site which is largely obscured from the surrounding public streets. This play area is adjacent to a small portion, in the far southwest corner, of the Laundromat parking lot containing three parking spaces and faces the side of one parking space within the church parking lot. The Planning Board accepts that the existing six-foot-high chain-link fencing is sufficient given the location of the play area.

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

The applicant is not proposing to provide a shade structure in the 3,300-square-foot play area which is completely paved. A photo submitted by the applicant shows the area in full sun, despite the neighboring trees to the west. A condition has been included as part of this approval requiring the applicant to provide a shade structure in Play Area 2.

- (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 only be used between the hours of 10:30 a.m. and 12:00 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 plan indicates that outdoor play will be restricted to the hours between 10:30 a.m. and 12:00 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 enrollment has been indicated on the plans as 66 children. However, a condition of approval of this application requires the applicant to adjust the enrollment of the day care and/or church occupancy to conform to the total capacity allowable according to the number of parking spaces which can be provided.

(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 approved outdoor play area has been shown on the plans and found to be adequate. The play area is adjacent to the existing building and will be directly accessed from a doorway of the existing building.

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

See Finding 9 for discussion of the detailed site plan's conformance with the 2010 *Prince George's County Landscape Manual*.

9. ***Prince George's County Landscape Manual***: This application is subject to Section 4.4, Screening Requirements, of the 2010 *Prince George's County Landscape Manual*. Per Section 4.4, trash facilities and loading areas are required to be screened.

The applicant proposed to provide a seven-foot-high, wood, sight-tight enclosure for a dumpster fronting on Marlboro Pike. The Planning Board finds that the dumpster shall be relocated to an area on the site that is as inconspicuous as possible and the enclosure shall be made of a sight-tight, durable, non-wood, non-white material. If the dumpster cannot be relocated to an inconspicuous area, the enclosure shall be made of a sight-tight, durable, non-wood, non-white material which is compatible with the existing building. A condition of approval of this

application incorporates these requirements for the dumpster. Additional discussion regarding the dumpster location and design was provided by the community planning staff as indicated in Finding 12 below.

A loading space has not been incorporated into the plans but is required pursuant to Section 27-582 of the Zoning Ordinance and is further discussed in Finding 12 below. When the plans are revised to provide the required loading space, it shall be screened from the public right-of-way by a sight-tight, durable, non-wood, non-white material which is compatible with the existing building as required by a condition of approval of this application.

The existing building on the subject site predates the other requirements of the 2010 *Prince George's County Landscape Manual*. The site contains no existing landscaping and subsequent improvements, including this application, do not subject the site to other requirements of the Landscape Manual.

10. **Woodland Conservation Ordinance:** The Environmental Planning Section indicated during their review that the subject detailed site plan is exempt from the requirements of the Woodland Conservation Ordinance as indicated in Finding 12 below.
11. **Tree Canopy Coverage Ordinance (TCC):** The Environmental Planning Section indicated that the subject detailed site plan is not subject to the requirements of the Tree Canopy Coverage Ordinance (TCC) as indicated in Finding 12 below.
12. **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. **Permit Review**—Permit Review offered the following comments:
    - (1) Is the site plan in conformance with the Subdivision Regulations? Refer to the Subdivision Review Section.
    - (2) A day care to be located within a church must be accessory. Provide the square footage of the day care.
    - (3) An institutional use over 10,000 square feet must provide a loading space. The loading space and access to the loading must be located 50 feet from residential property.
    - (4) The play area shall contain sufficient shade during the warmer months to afford protection from the sun. Does the site plan demonstrate conformance with this requirement?

- (5) The parking schedule must be corrected. There are 350 seats in the church which requires 87.5 parking spaces; 88 total parking spaces are required. There are 66 children proposed in the day care center, requiring 8.25, 9 total spaces, a total of 97 parking spaces are required. Revise the note on the site plan that says “the existing church requires 86 parking spaces.”
- (6) A twenty-two-foot drive aisle is required for all two-way drive aisles. The parking spaces located behind the play area do not have the required 22-foot access. It appears that a departure from parking and loading standards (DPLS) will be required. The dimension of all drive aisles should be provided. A DPLS application may be required.
- (7) This site was developed under pre-1970 parking standards which demonstrated 10 by 20 parking space sizes. The site plan submitted demonstrates current parking standards, however, a landscape plan has not been provided.
- (8) The review of this referral does not include the review of any signage.

Conditions addressing all of the plan deficiencies described by the permit planner have been incorporated as conditions of approval of this application.

- b. **Subdivision Review**—The Subdivision Review Section confirmed the site plan’s conformance with record plat BB 66 @ 100. A portion of the site which was placed in reservation per deed recorded in Liber 3539 Folio 348, shown in hatched area on the proposed plan, was also evaluated. The subdivision review planner indicated that the reservation expired on November 26, 1987 and should be removed from the plans, in consultation with the Transportation Planning Section, if the reservation was not extended.

A condition of approval requires the removal the expired reservation in consultation with the Transportation Planning Section.

- c. **Transportation Planning**—The Transportation Planning Section indicated that there are no transportation-related comments applicable to this plan and that access and circulation as shown on the plans is acceptable.
- d. **Historic Preservation**—The Historic Preservation Section found that the subject application will have no effect on identified Historic Sites, Resources, or Districts.
- e. **Environmental Planning**—The Environmental Planning Section confirmed that this application has no environmental issues and is not subject to the Wildlife Conservation Ordinance or the Tree Canopy Coverage Ordinance requirements.

- f. **Trails**—This plan was evaluated for pedestrian and bicycle mobility by the trails planner who offered no recommendations for the subject site.
- g. **Community Planning**—The Planning Board accepts the following determinations:

**General Plan:** This application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

**Master Plan:** This application does not conform to the commercial land use recommendations of the 2009 *Adopted Marlboro Pike Master Plan and Endorsed Sectional Map Amendment* for this site. However, C-S-C zoning allows the day care facility as an ancillary use to the existing church.

The Community Planning South Division noted the following planning issues:

The subject property is located in Priority Area 3, a corridor gateway in the 2009 *Adopted Marlboro Pike Master Plan and Endorsed Sectional Map Amendment*. Multi-level mixed-commercial buildings are proposed at all four corners of the Brooks Road and Marlboro Pike intersection. Buildings along the street will consist of four stories with retail on the ground floors with office space above. Pedestrian amenities should also be incorporated into the streetscape to invite people to get out of their cars thereby creating a main street atmosphere. (p. 25)

Given the vision for this important gateway into the Marlboro Pike community, the applicant should consider two important changes to its current site plan. First, appropriate shading for the two outdoor play areas is required according to Section 27-464.02(a)(1)(A)(v) of the Zoning Ordinance. This structure will provide protection from the sun and could add a unique feature to the existing building. A design that complements the existing church façade should be chosen. Secondly, the site plan proposes to place or maintain the facilities' dumpsters in a location fronting on Marlboro Pike. This location is not only inconsistent with the vision for this intersection but is visually unappealing in a community taking steps to increase pedestrian traffic while stemming the trend of disinvestment. It is strongly encouraged that alternative sites be found for the dumpsters and if this is not practical then more attractive screening should be provided.

Conditions of approval to provide shading in the play area and enhance screening or relocate the dumpster area have been incorporated into the approval of this application.

- h. **Department of Parks and Recreation (DPR)**—DPR offered no comments on the subject application.
- i. **Department of Public Works and Transportation (DPW&T)**—DPW&T offer the following comment:



Prior to the approval of the detailed site plan, an approved stormwater concept plan is required.

A condition requiring the applicant to obtain an approved stormwater concept plan prior to certification of this detailed site plan has been incorporated as a condition of approval of this application.

- j. **Prince George's County Health Department**—The Prince George's County Health Department offered no comments regarding the subject application.
  - k. **State Highway Administration (SHA)**—SHA offered no comments regarding this application and noted that the subject site's access is from a County road.
  - l. **Fire/EMS Department, Maryland Department of Human Resources, and Public Utility Companies**—Referral comments were not returned from the Fire/EMS Department, the Maryland Department of Human Resources, and public utility companies.
13. As required by Section 27-285(b)(1) 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. In particular, in accordance with Section 27-274(a)(10)(B) which sets forth site design guidelines, the existing building architecture is in keeping with the intended primary church use which is a permitted use in the underlying zone.
14. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the site does not contain any regulated environmental features this required finding does not apply.

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-10034, subject to the following conditions:

- 1. Prior to certification, the applicant shall:
  - a. In consultation with the Transportation Planning Section, verify that the reservation per deed recorded in Liber 3539 Folio 348 has not been extended. If the reservation has not been extended the applicant shall remove its reference and associated hatching from the detailed site plan.

- b. Submit evidence from DPW&T that the detailed site plan is in conformance with an approved stormwater concept plan.
- c. Provide a permanent shade structure in Play Area 2. A detail of the shade structure shall be provided on the plans and installed per the manufacturer's specifications. The design of the shade structure shall complement the existing building and be reviewed and approved by the Urban Design Section as designee of the Planning Board.
- d. Relocate the dumpster and enclosure so it is not located along the public right-of-way. If an alternate location cannot be accommodated, the enclosure shall be revised to be a non-white, non-wood, low-sheen, durable, sight-tight fence or wall which is compatible with the existing building, and shall be reviewed and approved by the Urban Design Section as designee of the Planning Board.
- e. Provide at least one loading space on the site plan and revise the parking schedule to indicate the required and provided loading space(s). The required loading space shall replace and eliminate Play Area 1. The loading space shall be screened from the public right-of-way. If a fence is used for screening, it shall be a non-white, non-wood, low-sheen, durable, sight-tight fence or wall which is compatible with the existing building. A detail of the proposed screening shall be provided on the plans to be reviewed and approved by the Urban Design Section as designee of the Planning Board.
- f. Revise the parking schedule calculations for required spaces to indicate one space for any fraction of parking which is required.
- g. Revise the plans to provide 22-foot drive aisles to all proposed parking spaces or remove any parking spaces from the plans for which a 22-foot drive aisle is not provided. If parking spaces are removed from the plans, the parking schedules shall be revised and the proposed enrollment of the day care center or seats in the church shall be reduced so that the parking requirements are met.
- h. Provide the square footage of area within the church proposed to be used by the daycare center. This area shall not exceed the square footage which qualifies the daycare as an accessory use.
- i. Remove the parking space striping within the fencing shown around Play Area 2.
- j. Revise the plans to indicate that the existing play structure and fence in Play Area 1 are to be removed, and all other items stored within the play area are to be removed.

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.

\* \* \* \* \*

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, Squire and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, March 1, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of March 2012.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator

PCB:JJ:SM:arj