

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 July 12, 2012 regarding Detailed Site Plan DSP-11033 for Gethsamane United Methodist Church Child Care Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care center use for 18 children, and associated outdoor play area, on an existing church property.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-55	R-55
Use(s)	Church	Church, Day Care
Acreage	16.87	16.87
Lots/Parcels	1	1
Square Footage	14,672	14,672 (1,480 Proposed day care)

Other Development Data:

Parking Required	86 spaces
Church — 321 seats @ 1 space per 4 seats	81 spaces
Daycare Center — 18 Children @ 1 space per 8 children	3 spaces
Parsonage	2 spaces

Parking Approved	106 spaces
Standard Spaces	78 spaces
Compact Spaces	23 spaces
ADA Spaces	4 spaces
Van-Accessible ADA Spaces	1 spaces

Loading Spaces Required	1 space
Loading Spaces Approved	1 space

Play Area Required for Daycare 18 children x 75 square feet	1,350 square feet
Play Area Approved for Daycare	1,367 square feet

3. **Location:** The subject property is located on the east side of Addison Road, approximately 250 feet south of its intersection with Wilburn Drive in Planning Area 75A and Council District 6.
4. **Surrounding Uses:** The subject site is bounded to the west by the public right-of-way for Addison Road; to the north and east by the undeveloped Suitland-District Heights Community Park owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Reserved Open Space (R-O-S) Zone; and to the south by an open space parcel that is part of the platted, but undeveloped, Walker Mill Towne residential townhouse development in the Townhouse (R-T) Zone.
5. **Previous Approvals:** The property, Parcel 212, is a legal deed parcel and was never the subject of a preliminary plan of subdivision. Based on the tax record, the church was originally built in 1961 and, based on aerial photographs, an addition was added between 1980 and 1984.
6. **Design Features:** The subject property is an irregular shape with a large amount of existing woodland and steep slopes. The existing 27-foot-high, two-story, 14,672-square-foot, 321-seat, brick church building is located in the middle of the property, surrounded by woodlands, and facing south. The existing parking lot and drop-off area is located to the south of the building and is accessed via a long driveway that runs along the southern end of the property to Addison Road. A one-story brick parsonage building located in the southeastern corner of the property, a paved basketball court located to the east of the church building, and various sheds complete the major structures on the site. The existing church building previously included a Head Start public school and day care use that were operated by the Prince George's County Board of Education. That particular use has since moved, but the internal and external site improvements, including a fenced play area for a day care use, still remain and will be used by the new private tenant.

The proposed 1,480-square-foot day care center for children ages 6 weeks to 12 years old is to be located within the first floor of the eastern end of the church building and will be accessed via an external door on the eastern end of the southern elevation of the church building. Additionally, a door on the northern elevation of the church building will provide direct access from the day care portion of the building to the 1,367-square-foot fenced outdoor play area, which is located to the north of the existing building. The existing play area is entirely enclosed by a four-foot-high, chain-link fence, and two willow oak trees are to be planted to the east and west of the play area.

No architectural, parking, or signage changes have been proposed with this detailed site plan.

7. **Zoning Ordinance:** The proposed children's day care use and outdoor play area are in conformance with Section 27-430, R-55 Zone; Section 27-441, Uses Permitted in the R-55 Zone; and Section 27-442, Regulations in the Residential Zones of the Zoning Ordinance.

The proposed day care center for children as an accessory to a church is a permitted use in the R-55 Zone on a lot of two acres or more and 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, a 1,350-square-foot outdoor play area is needed for the maximum proposed enrollment of 18 children. The applicant indicated on the DSP that the existing play area is 1,367 square feet, satisfying this requirement.

- (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 existing outdoor play area is not located within 25 feet of any dwelling on any adjoining lot and is already completely enclosed with a four-foot-high chain-link fence. In fact, the existing play area is set back over 250 feet from all property lines and is located behind the existing church building and existing woodlands, out of view of the general public. Therefore, a greater setback or higher fence is not necessary to protect the health and safety of the children utilizing the play area.

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

The existing play area is located in an open grassed area, in the northeastern corner of the site, north of the existing building. There is an existing wooded area located over 40 feet to the north of the play area and the existing building is located approximately 25 feet to the south. These may provide some shade to the play area; however, to ensure there is sufficient shade during the warmer months from the eastern and western exposures, the applicant proposes to add two shade trees to the east and west of the play area, for a total of four new shade trees. These would eventually grow to provide sufficient shade to the play area; however, the Planning Board found that the use of a permanent, durable, fabric shade structure over the play area instead, would provide more immediate shade to the

area. Therefore, a condition has been included in this approval to allow the applicant the option of removing the shade trees and providing a fabric shade structure instead.

- (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 be limited to daylight hours only. Therefore, the play area will not be used during times of darkness and is not required to be lit.

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

The plans indicate that the outdoor play area will be restricted to daylight hours between 7:00 a.m. and 6:00 p.m.

8. **Prince George's County Landscape Manual:** The proposed day care use, as an accessory to an existing church, and associated playground are 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, do not involve an increase in impervious surface, and do not involve an increase in gross floor area (GFA).
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it is greater than 40,000 square feet in area and contains more than 10,000 square feet of woodland. A numbered exemption was issued for this site on August 20, 2010; however, the exemption is not valid because any project subject to the land development process must have a standard letter of exemption or a Type 2 tree conservation plan (TCP2).

A TCP1 plan for the site was submitted on May 17, 2012. There is no reason that a TCP1 would be required with the current application, so it has not been evaluated.

In order to fully evaluate the TCP2 which was submitted, an intermediate forest stand delineation (FSD) is required in accordance with the Environmental Technical Manual (ETM). Of specific interest on this site is the delineation of the 100-year floodplain, which is highly likely to be found on the site based on soil characteristics, topographic features, and a delineation of the 100-year floodplain included in the Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity (October 2000). The location of 100-year floodplain on the site will affect the woodland conservation requirement for the site. It should be noted that, in the Developed Tier, the minimum stream buffer width is 60 feet wide, and should be provided for all streams located on the site. The priority woodlands on this site will be identified through the delineation of the primary management area (PMA) based on the regulated environmental features of the site.

The revised TCP2 which was submitted for the site now includes an area labeled “existing 100-year floodplain,” but does not clearly delineate where the 100-year floodplain is located, a source for the delineation, or the area of the 100-year floodplain found on the site. Without an area for the 100-year floodplain, the woodland conservation threshold (WCT) for the site cannot be determined because it is based on the net tract area. Because no grading or clearing is proposed for this site, the threshold will be the woodland conservation requirement for the site. The net tract area to be used for calculating the WCT for the site cannot be confirmed until the 100-year floodplain elevation has been delineated and quantified.

Review of historic aerial photographs beginning in the year 2000 indicates that clearing and construction have occurred on this site. Some of the items constructed on-site were not permitted, so permits for previously constructed structures and site elements may be required during this review. If the construction of existing structures without permits resulted in the clearing of woodlands in excess of 5,000 square feet (based on historic tree lines identified on aerials), that will need to be taken into consideration in the preparation of the TCP2 for this DSP.

The TCP2 proposes to meet the requirement on-site with 9.43 acres of woodland preservation, which exceeds the requirement, but appears to include areas of 100-year floodplain identified without specificity on the TCP2 plan. Priority forests on the site, which are those located within the delineated PMA, have also not been identified on the TCP2 plan.

A revised TCP2 must be submitted which includes all applicable elements listed on the TCP2 preparation checklist, and adheres to the requirements of the ETM. The standard symbols and terminology found in the ETM shall be used and all graphic elements used shall be included in the legend and labeled using terminology consistent with the ETM. All applicable standards and notes shall be included on the plan sheet and all appropriate details and implementation notes shall be included. The woodland conservation worksheet used on the plan sheet shall be in the format provided in the ETM, and revised to accurately identify the net tract area and the resultant WCT and requirements for the subject property.

The term “tree save signs” shall be replaced with “woodland preservation area sign” (See ETM A-4, DET-1), which shall be located in accordance with the ETM, and appropriate details shall be included on the plan unless the delineated woodland preservation area is located more than 50 feet from the edge of the existing woodland edge.

All applicable TCP2 notes as provided in the ETM shall be included on the TCP2, and those that are not applicable shall not be included.

Section 25-122(d)(1)(B) of the WCO requires that woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site be placed in a woodland conservation easement recorded in Prince George’s County Land Records. This is in conformance with the requirements of the State Forest Conservation Act, which requires that woodland conservation areas have long-term protection measures in effect at all times. This requirement applies to original TCP2 applications approved after September 1, 2010 that do not have a TCP1 approved before September 1, 2010.

The recordation of a woodland conservation easement is required prior to issuance of the grading permit for a development application with an approved TCP2 that includes on-site woodland conservation areas, or if a grading permit is not required by the development proposed, as in this case, prior to signature of the TCP2 plan.

The woodland conservation easement documents must be prepared using templates prepared in coordination with the County Office of Law and included in the Appendix of the ETM.

A woodland conservation easement package consists of the following:

- a. An original signed Woodland and Wildlife Habitat Conservation Easement document.
- b. Exhibit A: A legal description of the easement including metes and bounds, signed and sealed by a licensed surveyor.
- c. Exhibit B: A graphic exhibit showing the metes and bounds of the easement related to the property lines of the project location.

The woodland conservation easement package is submitted to the Environmental Planning Section for transmittal to the County Office of Law for review and approval prior to recordation. Prior to signature of the TCP2 for this site, the liber and folio of the recorded easement shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”

The TCP2 plans currently show all existing woodland on the site to be preserved. The above easement will be limited to the credited woodland preservation area outside of the 100-year floodplain. The applicant is advised to clearly identify the 100-year floodplain on the site, and include in the woodland conservation easement only that area which is necessary to fulfill the woodland conservation requirement of the site, as currently identified, or a quantity expected to be necessary for any future development planned for the site. Identification of all woodlands on the site as “woodland preserved,” in excess of the requirement for the development project, may require a revision to the recorded easement in the future to allow further development due to desired clearing. In addition, reducing the delineated woodland preservation areas on the site and pulling them back a minimum of 50 feet from the edge of the existing woodlands will reduce or eliminate the requirement to provide woodland preservation area signage.

The discussed outstanding environmental issues have been addressed as conditions of this approval.

10. **Tree Canopy Coverage Ordinance:** The project is not subject to the requirements of Subtitle 25, Division 3: The Tree Canopy Coverage Ordinance because it will not require a building or grading permit for 1,500 square feet or greater of GFA or disturbance.
11. **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. **Community Planning**—This application is consistent with the 2002 *Prince George's County Approved General Plan* Development Pattern policies for the Developed Tier. This application supports the General Plan's goal to strengthen existing neighborhoods. This application conforms to the land use recommendations of the 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment*. There are no master planning issues.
 - b. **Transportation Planning**—No comments were provided regarding Transportation Planning.
 - c. **Subdivision Review**—The subject property is known as Parcel 212, located on Tax Map 73 in Grid C-2, and is 16.87 acres. The property is within the One-Family Detached Residential (R-55) Zone. Parcel 212 is a legal deed parcel and has never been subject to preliminary plan of subdivision. The site plan shows the boundary of the parcels as reflected on the tax map.

The property is improved with a 14,672-square-foot church. Based on the tax record, the church was built in 1961. Aerial photographs show that an addition to the church was constructed between 1980 and 1984. All structures are to remain and no new gross floor area is being proposed. The applicant has submitted a detailed site plan to convert an existing area within the church to a child care facility as an accessory use.

Pursuant to Section 24-107 of the Subdivision Regulations, the application is exempt from the requirement of filing a preliminary plan of subdivision because no gross floor area is proposed. There are no other subdivision issues at this time.
 - d. **Department of Parks and Recreation**—The Department of Parks and Recreation indicated that they had no comment on the subject application.
 - e. **Permit Review**—Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through conditions of this approval.
 - f. **Environmental Planning**—The site does not have an approved natural resources inventory (NRI). Because no additional grading is proposed with the current application, an NRI is not a requirement with this application. If a grading permit becomes required

due to functional requirements related to the use as a day care center identified during the review process, then submittal of an NRI may be required.

- g. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.
- h. **Prince George's County Health Department**—The Health Department indicated that they had completed a health impact assessment of the DSP and had no comments or recommendations.
- i. **Maryland Department of Human Resources**—The Maryland Department of Human Resources did not provide comments on the subject application.
- j. **Town of Capitol Heights**—The Town of Capitol Heights did not provide comments on the subject application.
- k. **City of Seat Pleasant**—The City of Seat Pleasant did not provide comments on the subject application.

12. Based on the foregoing and 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.

13. Per Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, a required finding for approval of a detailed site plan is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on no limit of disturbance shown on the tree conservation plan and no impact exhibits submitted for review.

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 Type 2 Tree Conservation Plan (TCP2-016-12) and further APPROVED Detailed Site Plan DSP-11033 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the detailed site plan:

- a. Revise the site plan to show the entirety of the parking lot as it physically exists at the time of this approval, or to clearly label areas of the parking lot that are to be restriped, renovated, or changed.
 - b. If determined to be preferable by the applicant, remove some or all of the proposed shade trees from the plan and provide a permanent, durable, fabric shade structure over the play area instead. If a shade structure is selected, provide a detail for the structure to be reviewed by the Urban Design Section, as designee of the Planning Board.
2. Prior to certification of the detailed site plan and tree conservation plan, the applicant shall submit an intermediate forest stand delineation (FSD) for the subject property in accordance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, prepared in conformance with the standards established in the September 2010 Environmental Technical Manual (ETM). The intermediate FSD shall include all of the required elements indicated on the intermediate FSD checklist provided in the ETM, and use the standard graphic symbols and terminology identified in the ETM, except as follows:
 - a. A narrative description of the individual woodland stands identified on the site shall be included on the plan sheet, and no sampling data will be required.
3. Prior to certification of the detailed site plan, a revised Type 2 tree conservation plan shall be approved which reflects the requirements of the Woodland and Wildlife Habitat Ordinance and is in conformance with the guidelines and standards of the Environmental Technical Manual.
4. Prior to certificate approval of the Type 2 tree conservation plan (TCP2), a woodland conservation easement prepared in accordance with requirements found in the Environmental Technical Manual shall be recorded in the County Land Records. The following note shall be included on the TCP2, and the liber and folio of the recorded document shall be added to the note:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded in the Prince George’s County Land Records at Liber _____ Folio_____. Revisions to this TCP2 may require a revision to the recorded easement.”

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, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 12, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2012.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj