



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 13-01

File No. DSP-11024/01

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 January 10, 2013, regarding Detailed Site Plan DSP-11024/01 for Henson Valley Academy at Clinton Baptist Church, the Planning Board finds:

- Request:** The subject application is for approval of a private school for 125 children and a day care center for 25 children within an existing 17,900-square-foot church (Clinton Baptist Church), with associated outdoor play areas.
- Development Data Summary:**

	EXISTING	APPROVED
Zone	R-80	R-80
Use(s)	Church	Church, Day Care, Private School
Acreage	9.12	9.12
Lots/Parcels	3	3
Total Square Footage	17,900	17,900
of which Day Care	-	1,440
Private School	-	3,330
Existing Church	17,900	13,130

Parking Data

	REQUIRED	APPROVED
Total parking spaces for a 500 seat church @ 1 space per 4 seats; a 25 child day care @1 space per 8 children; and a 125-student private school @1 space per 6 students	150 spaces	221 spaces (including 9 handicap-accessible spaces)
Loading	1	1

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3. **Location:** The subject property is located on the north side of Woodyard Road (MD 223), approximately 485 feet east of its intersection with Mike Shapiro Drive in Planning Area 81A within Council District 9. The property address is 8701 Woodyard Road, Clinton, Maryland.
4. **Surrounding Uses:** The subject site is bounded to the east and the north by single-family dwellings in the R-80 Zone, and to the west by the Clinton Plaza townhouses in the Residential Townhouse (R-T) Zone. To the south, the subject site is bounded by the right-of-way (ROW) of Woodyard Road (MD 223) beyond which are single-family dwellings in the Rural-Residential (R-R) Zone.
5. **Previous Approvals:** The property is known as Parcels 96, 99, and 124 located on Tax Map 116 in Grid F-2, and is 9.12 acres in the R-80 Zone (One-Family Detached Residential). Parcels 96, 99, and 124 are acreage parcels and have never been the subject of a record plat. The site plan shows the boundary of the parcels as reflected on the tax map.

Aerial images indicate that the original church building was constructed prior to 1965, and has been the subject of one significant building expansion and one parking lot expansion ever since.

On February 9, 2012, the Planning Board approved (via PGCPB Resolution No. 12-10), a Detailed Site Plan DSP-11024, Seeds of Excellence Learning Center, which proposed a 1,975-square-foot day care center for 25 children within the northeast wing of the Clinton Baptist Church.

6. **Design Features:** The proposed private school for 125 children and a day care use for 25 children are to be located within the northern portion of the Clinton Baptist Church in Clinton, Maryland. The Clinton Baptist Church is served by two existing driveways on the north side of Woodyard Road (MD 223). At the rear of the church building, there is an existing surface parking lot to serve the church and a large softball field, which is labeled as a playfield on the subject DSP.

The 1,440-square-foot day care center for 25 children will be accessed internally through the church building. The most proximate entrance into the day care area is on the north side of the building at the rear of the church. In the northwest area of the church building, there is an existing 2,304-square-foot grassed and fenced area, which is bounded by the church building on two sides. The applicant proposes to use this area as the play area for the day care center. The day care center and play area are located over 200 feet from the nearest residential property. The day care center and play area were previously reviewed and approved by the Planning Board on February 9, 2012, although that plan has not been certified. The subject plan proposes no modification to the day care enrollment or play area location.

The 3,330-square-foot private school for 125 students is proposed adjacent to the day center in the northern portion of the church building. The school is noted to serve students in grades from kindergarten through the eighth grade. The submitted site plan indicates that the private school will share the same entrance with the day care center on the north side of the building at the rear of the church.

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A 12,500-square-foot, fenced outdoor activity area for the private school is proposed north of the church, separated from the church by an existing parking lot. The applicant proposes to stripe a pedestrian route through the parking lot from an existing sidewalk on the northeast side of the church's building pad to the proposed play area; however, the sidewalk located at the northeast side of the church's building pad does not continue to the day care center and private school entrance on the north side of the building. On the north side of the building is a grass strip, which will encourage parents and children to walk along the edge of the parking lot to enter the building. Previously approved permit plans for the church locate concrete sidewalks around this portion of the church building. Some of these sidewalks were never installed. The applicant shall show complete sidewalks on the site plan prior to certification.

Additional improvements to the existing sidewalk connectivity around the church are warranted. Sidewalks along the northern and western sides of the building shall be provided, so the parents may safely walk their children to the school and day care entrance using a concrete walkway. Also, a crosswalk shall be striped across the loading space entrance to provide a more clearly delineated pedestrian route from the private school and day care entrance to the private school play area.

7. **Zoning Ordinance:** The proposed private school, day care for children, and outdoor play areas are permitted in conformance with Section 27-429 (R-80 Zone) and Section 27-441 (Uses Permitted in the R-80 Zone) of the Zoning Ordinance.
 - a. The Planning Board finds that the private school conforms to the requirements of Section 27-443(a)(1), which sets forth additional requirements for a private school as follows:
 - (A) **The school shall be located on property of at least five (5) acres, in size on which the maximum enrollment shall be four hundred (400) students, unless the school is located on property which was previously used as a public school by the Board of Education, in which case, the minimum acreage requirement shall be four and one-half (4 1/2) acres. For each acre over five (5), the total enrollment may be increased by one hundred (100) students. State and local health, education, or fire regulations may reduce the number of students permitted to be enrolled. The school may be located on a parcel of at least two and one-half (2 1/2) acres provided that:**
 - (i) **The property had obtained an approved Special Exception use as an eleemosynary or philanthropic institution;**
 - (ii) **The property abuts parkland owned by the Commission containing at least two and one-half (2 1/2) acres; and**
 - (iii) **The maximum enrollment shall not exceed one hundred thirty (130) students.**

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(For the purposes of this Section, enrollment shall mean the total number of students enrolled in the institution at any one (1) time. If there are separate morning, afternoon, and evening sessions, each of which is attended by different students, enrollment shall mean the number of students enrolled in the session having the largest number of students.)

The Planning Board finds that the property size and maximum enrollment meet the requirements of the Zoning Ordinance. The proposed school is located on a property of over five acres, and the maximum enrollment is one hundred twenty-five students in grades from kindergarten through the eighth grade.

- (B) The property shall have frontage on, and direct vehicular access to, a street having a paved surface at least thirty-six (36) feet wide. This width shall not apply where the property is located in sparsely settled or farm areas, or where the Planning Board determines that adequate passenger debarkation areas are provided.**

The subject site has frontage on Woodyard Road (MD 223). The roadway along the site frontage of MD 223 ranges in the ROW width from 52 feet at the western property line to approximately 38 feet at the eastern property line. At the eastern property line, the ROW width is actually 33 feet between the pavement markings, but the pavement extends about two to three feet outside of each pavement marking. Given that the actual paved surface is approximately 38 feet, and there is no on-street parking along this roadway, the Planning Board finds that the above paved surface requirement is met.

- (C) An outdoor playground or activity area shall be provided. It shall contain at least one hundred (100) square feet of usable space per student. The area shall be located at least twenty-five (25) feet from any dwelling on an adjoining lot and buffered from adjoining uses in accordance with the provisions of the Landscape Manual. The play area shall be enclosed by a substantial wall or fence at least three (3) feet high for grades six (6) and below, and at least five (5) feet high for other grades, with the following exception:**

- (i) A private school which has been in continuous operation since January 1, 1970, may satisfy these fencing requirements by providing another type of barrier that is subject to approval by the State Department of Human Resources.**

The site plan indicates the location of a 12,500-square-foot playground with a five-foot-high vinyl clad chain-link fence north of the existing parking lot. The playground is the minimum size required for a 125-student private school. Beyond the designated play area is an open ball field, which is not being used to meet the minimum Zoning Ordinance requirements for outdoor playground or activity area.

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The above provision also requires that the outdoor play area be buffered from adjoining uses in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). In consideration of the above provision, the Planning Board finds that a Type "B" bufferyard inclusive of a 30-foot building setback and a 20-foot landscape yard shall be provided between the playground and adjacent townhouses. The proposed play area is located over 150 feet from the nearest residential dwelling on an adjoining lot, and there are existing evergreen trees located along the western property line that will serve to further separate the play area from the adjacent townhouse development.

Prior to certificate approval of the plans, the distance from the private school play area to the nearest dwelling on an adjoining lot shall be delineated and labeled on the plan. The location of the existing trees shall also be delineated on the landscape plan. The landscape plan shall indicate the location of a minimum Type "B" bufferyard along the western property line from the rear of Lot 32 to the rear of Lot 36. This bufferyard will be satisfied largely through the use of existing trees, although a few additional shade or evergreen trees may be necessary to supplement the existing trees.

(D) The requirements of this Section shall not apply to the use of existing public schools which have been conveyed by the Prince George's County Board of Education to either Prince George's County or any municipality within the County, provided the County or municipality:

- (i) Maintains ownership of the facility and operates a school in it; or**
- (ii) Leases the facility for use as a private school, (of any type).**

The subject application is not an existing public school and is not subject to this requirement.

b. In its previous approval of DSP-11024 for the proposed day care center for children, the Planning Board found that the play area was designed in accordance with Section 27-445.03(a)(1). The play area conforms to the 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;**

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According to this requirement, a 975-square-foot outdoor play area is required for 25 children, the proposed day care center's maximum enrollment. The proposed play area is 2,305 square feet which well exceeds the 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 proposed outdoor play area is located on the same lot as the center and is not located within 25 feet of any dwelling on any adjoining lot.

The play area is enclosed by an existing four-foot-high chain-link fence. The subject application indicates that the existing fence is to remain.

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

The proposed play area is bordered by the church building on the east and south sides. For much of the day, the church building provides natural protection from the sun; however, during the late afternoon hours, some additional shade would be beneficial. The DSP proposes one additional shade tree in the northwest corner of the play area. During the hot summer months, that additional shade tree will shield some of the harsh afternoon sun, yet in the winter, a deciduous tree will allow warming sun rays into the play area for the benefit of the users.

- (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**

A site plan note indicates that the outdoor play area will not be used before or after daylight hours. With this note limiting the outdoor play area hours, no additional lighting is deemed necessary.

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

As discussed above, the outdoor play area will not be used before or after daylight hours. As such, the Planning Board finds that the subject DSP meets this

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requirement. An additional site plan note indicating the specific time for the outdoor play area is not necessary and should be removed from the site plan.

8. **The Requirements of Detailed Site Plan DSP-11024:** On February 9, 2012, the Planning Board approval Detailed Site Plan DSP-11024, Seeds of Excellence Learning Center, which contains a 1,975-square-foot day care center for 25 children within the northeast wing of the Clinton Baptist Church (PGCPB Resolution No. 12-10). The DSP has not been certified; therefore, the following conditions are relevant at this time:

1. **Prior to certificate approval, the detailed site plan (DSP) shall be revised to show the following:**

a. **The required parking space calculations shall be corrected to reflect the parking requirement for a day care center as one parking space required per eight children, not one parking space per five children as shown on the site plan. The parking schedule shall also be corrected to state that the required parking for the church is one space to every four seats.**

The required parking space calculations have been prepared correctly.

b. **The location of and details for any proposed sign for the day care center shall be included in the DSP. The sign shall meet the requirements of the Zoning Ordinance.**

No signs are currently proposed with this application.

c. **The site plan shall label the existing mechanical area (inclusive of two outdoor air conditioning units) within the existing fenced play area. The mechanical area shall be securely fenced and gated with a minimum four-foot-tall sight-tight fence, and shall be subtracted from the play area calculations.**

This condition has been satisfied on the revised plan.

d. **Details of all proposed fencing shall be provided.**

e. **The application shall specify the use of a vinyl-coated chain-link fence.**

Any provided fencing details shall indicate the height, material, and color of the proposed fence.

f. **A deciduous shade tree, such as a Red Maple, shall be provided in the northwest portion of the play area.**

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The requested shade tree is shown on the subject application.

- g. The hours of operation for the day care center and play area shall be demonstrated on the site plan. If the play area is to be used after dark, satisfactory lighting shall be demonstrated on the site plan.**

The application indicates the hours of the play area limited to the daylight hours.

- h. The site plan shall demonstrate the location and width of the gate accessing the play area.**

This condition has been satisfied on the revised plan.

- i. The application shall include the church's tax-exempt identification number.**

This condition has been satisfied on the revised plan.

- j. Any required plant materials shown on previously approved permit plans that are dead or missing shall be shown to be replaced on the subject site plan. Any new plant material along Woodyard Road (MD 223) shall be located outside of the ultimate right-of-way.**

North of the existing parking lot and south of the existing ball field, a row of evergreen trees was previously approved. The approved plant material was never installed in the shown location. The evergreen trees shown on the submitted site plan appear to conflict with the proposed 12,500-square-foot playground and access to it. The site plan shall be revised to relocate the evergreen trees to the west and north of the proposed outdoor activity area for the private school.

Prior to certificate approval of the plans, the plant materials shown on the previously approved permit plans shall be indicated to be provided, except as modified to accommodate the outdoor activity for the private school and access to the play area.

- k. The ultimate right-of-way for Woodyard Road (MD 223) shall be shown on the subject site plan.**

This condition has been satisfied on the revised plan.

- l. The existing church sign shall be located on the plan.**

This condition has been satisfied on the revised plan.

- m. The following note shall be added to the site plan:**

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“The existing monument-style sign located within the Woodyard Road (MD 223) ultimate right-of-way shall be relocated out of the right-of-way at the owner’s expense at a time deemed necessary by the State Highway Administration (SHA), or as otherwise agreed upon by the applicant and SHA.”

This condition has been satisfied on the revised plan.

- n. The site plan shall be revised to provide free and clear pedestrian access from a day care entrance to the designated day care play area.**

This condition has been satisfied on the revised plan.

- 2. Missing wheel stops in the parking spaces north and west of the designated day care play area shall be provided in order to keep vehicles at their proper distance from the play area and grass path accessing it.**

Wheel stops shall also be provided adjacent to the newly proposed play area for the private school.

- 9. Prince George’s County Landscape Manual:** The proposed private school and day care uses within an existing church, and associated playgrounds, are generally exempt from the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) except as discussed above in Finding 7(a). 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, and do not involve an increase in gross floor area (GFA). All previous expansions for the church, including building and parking lot expansions had been completed prior to the effective dates of the 2010 and 1990 Landscape Manuals.

While the church is not subject to any requirements of the Landscape Manual, it is subject to pre-Landscape Manual requirements. At the time of the most recent site alteration, an expansion of a surface parking lot in 1989 pursuant to Permit 10372-88-GU, the site plan demonstrated conformance with the landscape requirements of the time, including a six-foot-wide landscape strip along the property’s street frontage and more than five percent interior landscape area in the parking lot. The site is required to remain in conformance with the required landscaping shown on previously approved permit plans. Therefore, prior to certificate approval, the applicant shall submit an inventory of existing plant material, and provide a plan for the replacement of required plant material that is missing along Woodyard Road (MD 223) and within the parking lot.

- 10. Woodland and Wildlife Habitat Conservation Ordinance:** The subject application proposes the addition of a private school, day care center, and outdoor play area to an existing church. The project proposes less than 5,000 square feet of disturbance and will not require a grading permit.

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The Planning Board finds that the proposal does not impact any woodlands or regulated environmental features and therefore, is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance.

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 Developing Tier, and conforms to the Developing Tier land use recommendations of the 1993 *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A and 85B*.

The site plan shall clearly show a safe pathway for pedestrians from the private school to the outdoor activity area.

- b. **Transportation Planning**—The site has frontage on Woodyard Road (MD 223), which is a master plan arterial facility within a planned 120-foot right-of-way. The ultimate right-of-way is shown to extend 60 feet into the subject property beyond the current right-of-way line. It is requested that the final permit plans indicate the ultimate right-of-way 60 feet beyond the current property line.

The use will be served by two existing driveways that serve the site, and circulation within the site will remain as it exists. This is acceptable given the size of the use relative to the overall site.

- c. **Subdivision Review**—The property is known as Parcels 96, 99, and 124 located on Tax Map 116 in Grid F-2, and is 9.12 acres in the R-80 Zone (One Family Detached Residential). Parcels 96, 99, and 124 are acreage parcels and have never been the subject of a record plat. The site plan shows the boundary of the parcels as reflected on the tax map. The parcel configurations are consistent with the 1981 tax map and are legal parcels of land.

The property is improved with a 17,900-square-foot church. All structures are to remain and no new gross floor area (GFA) is being proposed. Based on available aerial photographs (PGAtlas), the last addition to the existing church structure was constructed between 1965 and 1977. 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 has been proposed after 1991.

Prior to certificate approval, the detailed site plan shall be revised to add the date to the general notes indicating when the building was constructed.

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- d. **Environmental Planning**—There are no major environmental issues with the subject proposal. This project has no on-site woodland areas and environmental features. No natural resources inventory (NRI) or tree conservation plan has been submitted in the past on the project site. The Environmental Planning Section reviewed the noise levels from Woodyard Road (MD 223) and identified an unmitigated 65 dBA Ldn noise contour for the property at 181 feet from the centerline off the subject road. This noise contour will not affect the subject proposal or the proposed playground locations.
 - e. **Permit Review**—The number of parking spaces provided must be verified. The parking schedule indicates that 221 spaces are provided; however, the site previously provided 229 spaces per Permit 10374-88-GU/01.
 - f. **Historic Preservation**—The subject application for a 25-child day care center, 125-student private school, and existing church will have no effect on either identified historic sites, resources, or districts.
 - g. **Maryland Department of Human Resources**—The Maryland Department of Human Resources did not provide comments on the subject application.
 - h. **State Highway Administration (SHA)**—The State Highway Administration (SHA) indicated that they have no objection to the applicant's proposal.
12. Based upon the foregoing analysis and 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 addition, since the site contains no regulated environmental features, the finding required by Section 27-285(b)(4) need not be made in this case.

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-11024/01, subject to the following conditions:

- 1. Prior to certificate approval, the detailed site plan (DSP) shall be revised as follows:
 - a. Provide concrete walkways adjacent to the parking along the west and east side of the church building, as was reflected in previous permit approvals.
 - b. Provide a striped crossing in front of the loading-space entrance to provide a more clearly delineated pedestrian route from the private school and day care entrance to the play area.
 - c. Delineate the distance from the private school playground to the nearest dwelling on an adjoining lot.

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- d. Delineate the location of the existing trees along the western property line on the landscape plan.
- e. Indicate the location of a Type "B" bufferyard along the western property line from the rear of Lot 32 to the rear of Lot 36.
- f. Remove the site plan note that indicates the specific time of the use of the outdoor play area.
- g. Provide the plant materials shown on the previously approved permit plans, except as modified on the subject DSP.
- i. Add the date the building was constructed to the general notes.
- j. Provide the number of parking spaces that correctly reflects any proposed elimination of spaces.
- k. Provide wheel stops for parking spaces adjacent to the play area.
- l. Add a site plan note indicating that a resilient flooring in accordance with the standards of the American Society for Testing and Materials (ASTM) shall be used in the outdoor play area where any play equipment will be installed.
- m. Submit an inventory of existing plant materials and provide a plan for the replacement of required plant materials missing along Woodyard Road and within the parking lot.

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 Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Bailey, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 10, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of January 2013.

Patricia Colihan Barney
Executive Director

By *Jessica Jones*
Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.

George Jones
M-NCPPC Legal Department

Date 1/17/13