



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-11

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
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File No. DSP-02021-01

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 21, 2016, regarding Detailed Site Plan DSP-02021-01 for Kinder Kidz Learning Center at Christ Community Church, the Planning Board finds:

1. **Request:** The subject application is for approval of a DSP to add a day care center as an accessory use to an existing church. The applicant is proposing to reduce the 248-seat church to a 208-seat church and add a 32-child, 1,343-square-foot, day care center within the vacant private school area in the church, and add an 80-square-foot storage shed located on the west side of the existing church.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-R	R-R
Use(s)	248-seat Church	208-seat Church and 32-child Day Care
Acreage	2.04	2.04
Lots	2	2
Parcels	0	0

OTHER DEVELOPMENT DATA

Parking Data:

Parking Spaces Required

Church (208 seats @ 1 space/4 seats)	52
Day Care (32 children @ 1 space/8 children)	4
Total parking required	56
Parking Spaces Provided	56

3. **Location:** The subject site is located in Planning Area 74B, Council District 4. The subject 2.02-acre Christ Community Church is located on the north side of Mitchellville Road, approximately 1,015 feet west of the intersection of Mitchellville Road and Robert S. Crain Highway (US 301).

4. **Surrounding Uses:** The subject property is bounded to the east and west by property developed with single-family dwellings in the Rural Residential (R-R) Zone. The north side of property has two undeveloped residential lots that are owned by the subject church, also in the R-R Zone. The south side of the property is bounded by Mitchellville Road. Across Mitchellville Road are more single-family developments in the R-R and One-Family Detached Residential (R-80) Zones.
5. **Previous Approvals:** On July 26, 1972, a Declaration of Finality was issued by the Prince George's County District Council for Special Exception SE-2609 adopting the Zoning Hearing Examiner's decision of approval for a private educational institute. Prior to that, the site was used for a church and a day care center. On June 6, 2002, the Prince George's County Planning Board approved Detailed Site Plan DSP-02021 for a private school within the existing church for a total of 65 students on 6.14 acres of land (PGCPB Resolution No. 02-92). The private school was planned to be developed in two phases. The first phase, Phase A, was for 35 students for Grades Kindergarten through Third and the second phase, Phase B, was for 30 students.
6. **Design Features:** The property is currently developed with a 7,959-square-foot, one-story, brick church and its associated parking lot with 56 existing parking spaces, a play area for children, and a newly added 80-square-foot shed. The proposed day care center will be an accessory use to the existing church building. It will occupy the vacant space that was used for the private school for Kindergarten through Third grade. The site has an existing 3,395-square-foot play area with few play equipment, a bioretention facility, and a 56-space asphalt parking lot. The property is screened from the adjacent residential community by an existing wooded area to the north and a six-foot-high wooden fence to the east and west. The play area also has a four-foot-tall chain-link fence with a gate that separates the existing parking area from the play area. Access to the site is via a 24-foot-wide driveway from Mitchellville Road.

The site plan delineates a safe route from the building to the play area along the southwest side of the paved parking lot, to the west and northwest side of the parking lot. Since there is no existing curb or wheel stops located in front of the parking spaces, for the safety of the children, the applicant should provide a four- to six-foot-wide concrete sidewalk along the southwest and northwest sides of the parking lot. In addition, concrete bollards or wheel stops should also be placed immediately in front of these parking spaces adjacent to the safe route of travel to the play area. The site plan appears to show some concrete bollards along the northwest side of the parking lot; however, bollards should be placed directly in front of the parking lot, not behind the safe path. The west side of the safe route to the play area is located right on the asphalt paved parking lot. Six-foot-wide zebra stripes should be shown on the plan for a continuous path to play area.

During the field inspection, it was noted that the overall site is poorly maintained. Almost all of the parking lot stripes have faded, an area of the asphalt driveway in front of the main entrance of the building is crumbling and needs to be repaired, the play area is not mulched, all of the existing play equipment are rusted, some of the light poles in the parking lot are rusted, some exterior building-mounted lights are broken and need replacement, and an existing large tree along the east side of the property line has dried up and needs to be removed and replaced. Furthermore, the wooden fence along the east and west sides of the property is very poorly maintained and is

deteriorating. Prior to issuance of a building permit, all of the dead trees should be removed and replaced with new trees. For the safety of the children, the play areas should be mulched and all of the rusted play equipment should be replaced. All of the wooden fence should be replaced or mended. The entire parking lot should be restriped and the driveway should be refurbished. All of the broken exterior building lights should be replaced and the light poles should be painted.

The site visit further revealed that the site did not have the required row of evergreen trees along the eastern and western property lines adjacent to the parking installed per the previously approved site plan. Rather, the site has some landscaping around the existing freestanding sign and shrubs around the existing building that is not shown on the site plan. Prior to issuance of the final building permit, all plant units should be planted in accordance with the approved site and landscape plan.

7. **Prince George's County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.

- a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed day care development is a permitted use in the R-R Zone, as it is an accessory use to an existing church.
- b. The proposed development is also in conformance with Section 27-445.03, Daycare center for children, which addresses the following site design requirements for day care uses:

(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.**

The applicant is proposing an enrollment capacity of 32 children, and a maximum of 2,400 square feet of play area is required to accommodate the full enrollment at one time. However, a play area of 50 percent of the enrollment (16 children) may be provided as long as only half of the children are in the play area at a given time. For 16 children, a play area of 1,200 square feet is required ($32 \times 50\% = 16 \times 75 = 1,200$).

The existing play area is 3,395 square feet, which far exceeds the size required by the Zoning Ordinance.

- (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.**

The site plan did not demonstrate the distance of the play area to existing dwellings on adjoining lots. However, staff measured the shortest distance from the play area to the western property line which appears to be approximately 28.5 feet. Therefore, staff concluded that the proposal is in conformance with this requirement.

- (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 location of the existing play area within the church campus does not necessitate a greater setback or higher fence because the existing natural wood and the six-foot-high board-on-board fence provides sufficient screening from the adjacent properties.

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

There are several shade trees located proximate to the outdoor playground area which should provide sufficient shade for the children playing in the designated area during the warmer months of the year. The site plan is in accordance with this requirement.

- (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 site plan indicates that outdoor play is limited to daylight hours only.

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

The submitted plans indicate that the day care hours of operation are between 6:00 a.m. and 7:00 p.m., and the outdoor play area will be limited to the hours between 7AM to 9PM daylight hours only.

In addition, per Section 27-445.03, a site plan has been prepared in accordance with the criterion required for the day care center. Each requirement is included in **boldface** type followed by the Planning Board's concurrence with staff's recommendation.

(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 the Section.**

Should the subject site plan be approved as recommended and in accordance with this requirement, it may be said that the subject applicant has conformed to this requirement.

- (B) **In addition to the submittal requirements of Part 3, Division 9, the Detailed Site Plan shall show:**

- (i) **The proposed enrollment;**
- (ii) **The location and use of all buildings located on adjoining lots;**
- (iii) **The location and size of outdoor play or activity areas; and**
- (iv) **The location, quantity, and type of screening and landscaping.**

The site plan does not show the proposed enrollment. It is only mentioned in the statement of justification. In accordance with Subpart (i) above, a note should be added on the site plan indicating the maximum number of children to be enrolled in the day care. The site plan indicates the adjacent building uses on the adjacent lots. The location and size of the outdoor play area is indicated as required by Subpart (iii) of the above requirement, and the location, quantity, and type of screening is located in accordance with Subpart (iv) of the above requirement. Therefore, it may be said that the applicant has conformed to all of the requirements of (B) above.

8. **Parking and Loading Requirements:** The subject site is in conformance with the parking requirements set forth in Part 11 of the Zoning Ordinance. Section 27-568(a)(3), Schedule of Parking spaces, of the Zoning Ordinance requires a parking calculation as follows:

Use	Schedule	Spaces
Church with 208 seats	1 space per 4 seats	52
Day care for 32 children	1 space per 8 children	4
Total		56

The proposed uses require 56 parking spaces. A total of 56 parking spaces, including three handicap parking spaces (one van-accessible), are provided.

Section 27-582(a), Schedule of Loading Spaces, of the Zoning Ordinance requires only one loading space for institutional uses comprised of 10,000 to 100,000 square feet of gross floor area (GFA). The existing church has a total GFA of 8,030 square feet; therefore, no loading spaces are required.

9. **Signs:** The site plan shows an existing freestanding sign in the front portion of the site. The sign detail provided on the site plan appears to meet all of the sign design standards for an institutional sign per Section 27-617 of the Zoning Ordinance.
10. **2010 Prince George's County Landscape Manual:** No change is proposed to the approved landscape plan. Although the site is exempt from the requirements of the 2010 *Prince George's County Landscape Manual*, at the time when the private school was added to the church in 2002, additional screening was required. A row of evergreens was required to be provided along the eastern and western property lines, adjacent to the parking lot, to further screen it from adjacent residential properties, pursuant to PGCPB Resolution No. 02-92. At the time of the site visit, it was noted that these trees were never installed and now are shown on the plans as proposed. Prior to issuance of any permit, the applicant should plant all of the evergreen trees as shown on the site plan.
11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is not subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because the property contains less than 10,000 square feet of woodland on-site and has no previous tree conservation plan approvals.
12. **Prince George's County Tree Canopy Coverage Ordinance:** The subject project is exempt from the requirements of the Tree Canopy Coverage Ordinance, as it does not involve a land disturbance.
13. **Further Planning Board Findings and Comments from Other Entities:** The referral comments are summarized as follows:

- a. **Permit Review Section**—The site plan should indicate that the use is an accessory to the church and that the prior approved private school no longer operates on the property.

Conditions are added within the approval of this resolution.

- b. **Community Planning Division**—The application is consistent with the *Plan Prince George's 2035 Approved General Plan* and the *2006 Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, and 74B* for the specifics of the land use recommendations for the property.

- c. **Prince George's County Police Department**—Comments from the Police Department are addressed in this approval.

- d. **Prince George's County Health Department**—The Health Department offered no comments.

- e. **City of Bowie**—The subject property is located within the limits of the City of Bowie. In an e-mail dated December 24, 2015, the City of Bowie offered the following:

The Bowie City Council reviewed this case on the consent agenda of their January 4, 2016 meeting. Upon reviewing the staff report, the Bowie City Council voted to recommend approval of the Detailed Site Plan DSP-02021-01 with the following conditions:

- (1) A canopy and/or shaded play set/equipment shall be placed in the play area to provide protection from the sun.
- (2) The striping identifying the parking spaces shall be repainted and the handicap parking spaces shall be painted blue in their entirety, in accordance with adopted City policy, in addition to the standard pavement painted symbol and signage at the head of these spaces being provided.
- (3) The 13 White Pine trees proposed along the western property line shall be replaced with 13 American Holly trees.

The applicant addressed the City of Bowie's Conditions 2 and 3 on the site plan. The Planning Board believes that there is ample tree canopy shown along the north side of the play area; therefore, a shaded structure is not necessary to be provided for additional shade during the warmer months to afford protection from the sun. Pursuant to the telephone conversation, the Planning Board confirmed with Frank Stevens, Bowie Planner, and reached an agreement that surrounding trees in the north side of the play area are sufficient to provide enough shade during warmer months; therefore, a shade structure is not necessary.

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-02021-01, subject to the following conditions:

1. Prior to certification of the detailed site plan (DSP), the following revisions shall be made:
 - a. Provide a clear legible vicinity map.
 - b. Revise General Note 6 indicating the maximum number of children to be enrolled in the day care.
 - c. Provide a four- to six-foot-wide concrete sidewalk along the southwest and northwest sides of the parking lot.
 - d. Place concrete bollards or wheel stops immediately in front of the parking spaces adjacent to the safe route of travel to the play area.
 - e. Provide six-foot-wide zebra stripes on the plan indicating the continuous safe path to the play area.
2. Prior to final issuance of a use and occupancy permit, the applicant shall:
 - a. Mend/replace the existing deteriorated wooden fence along the east and west sides of the property.
 - b. Remove the dead trees and replace with new trees.
 - c. Mulch the entire play area.
 - d. Replace or refurbish the rusted play equipment.
 - e. Restripe the entire parking lot.
 - f. Repair the driveway immediately in front of the main entrance of the building.
 - g. Replace all broken exterior building lights and paint all rusted parking lot light poles.
 - h. Provide a row of evergreen trees (one evergreen tree for every 35 linear feet of property line) along the eastern property line and one evergreen tree for every ten linear feet along the eastern and western sides of the parking lot.

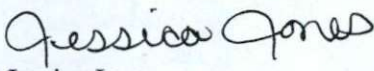
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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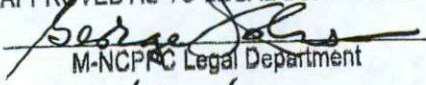
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Shoaff, with Commissioners Washington, Shoaff, Geraldo, and Hewlett voting in favor of the motion, and with Commissioner Bailey absent at its regular meeting held on Thursday, January 21, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 11th day of February 2016.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:TA:ydw

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 1/28/16