

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on November 6, 2003 regarding Detailed Site Plan DSP-03042 for Our Savior Lutheran Church, the Planning Board finds:

1. The subject property consists of 4.30 acres, located on the east side of Laurel Bowie Road, approximately 1,200 feet north of its intersection with Contee Road, and is zoned R-80 (One-Family Detached Residential), and R-R (Rural-Residential). The surrounding properties are zoned R-R and R-80.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone (s)	R-80 & R-R	R-80 & R-R
Use (s)	Church with Nursery School	Church with Nursery School and Day Care
Acreage	4.3	4.3
Parcels	6	1
Square Footage/GFA	14,230	34,830
Dwelling Units:	None	None

3. The 1990 sectional map amendment (SMA) for Subregion I rezoned most of the existing church site from the R-R Zone to the R-80 Zone, while the remainder of the church site, located along the northern edge of the property, was retained in the R-R Zone. The day care center is proposed to be generally located within that portion of the property zoned R-R, while the nursery school will be entirely located within the R-80-zoned portion of the property.
4. The area of the site corresponding to the current Parcel A is the subject of Special Exception SE-3261. This special exception, which was approved by the District Council on September 1, 1981, authorized use of an unspecified area within the existing church building for a nursery school for up to 30 children. An amendment to this special exception, SE-3261/01, has been submitted to allow the relocation of the nursery school into the new church addition. This special exception ROSP is being processed concurrently with the detailed site plan.
5. The current request is for a day care center for 185 children, to be located within the new church addition. The detailed site plan for a day care center for children has been submitted in accordance with Section 27-441(b)(2) of the Zoning Ordinance, which permits the operation of a day care center for children in a church, on property zoned R-R, subject to certain design

requirements, which are contained in Section 27-445.03 of the Zoning Ordinance.

More particularly, the applicant has complied with the design requirements for day care centers for children contained in Section 27-445.03 of the Zoning Ordinance as follows:

- a. The applicant has provided an outdoor play area for the day care center that exceeds the Zoning Ordinance requirement of 75 square feet. A 7,699-square-foot outdoor play area as been provided, well in excess of the 6,938-square-foot play area required by the Zoning Ordinance.
 - b. The outdoor play area is on the same lot as the day care center and is at least 25 feet from any dwelling on an adjoining lot.
 - c. The outdoor play area is enclosed by a six-foot-high fence.
 - d. Trees have been sited in the play area to provide shade in the warmer months.
 - e. The outdoor play area will only be used during daylight hours.
 - f. Outdoor play will be limited to 7 a.m. and 9 p.m.
6. Landscaping for the subject site has been found to be in accordance with Sections 4.2, Commercial and Industrial Landscape Strip; 4.3.a., Parking Lot Landscaped Strip; 4.3.c., Interior Planting; and 4.7, Bufferyard Planting, of the *Landscape Manual*. Please note, however, that *Landscape Manual* compliance was judged by the Permit Office by review of the detailed site plan. The detailed site plan included only some of the landscaping. The landscaping and lighting plan showed the entire landscaping plan. Staff recommends that, for clarity's sake, the partial landscaping shown on the detailed site plan be removed.
- The landscaped bufferyard requirement (Section 4.7 of the *Landscape Manual*) along the site's southern and eastern property lines has been satisfied by the provision of the required bufferyard on the adjoining property, per Detailed Site Plan SP-95001 for Snow Hill Estates.
7. A forest stand delineation (FSD) was submitted with the recently approved preliminary plan of subdivision (4-03036) and was found to address the criteria for simplified FSD as found in the Woodland Conservation and Tree Preservation Technical Manual. This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area is in excess of 40,000 square feet and there are more than 10,000 square feet of existing woodland on-site. This 4.30-acre property has a 20 percent Woodland Conservation Threshold of 0.86 acre, a replacement requirement of 0.68 acre and an afforestation requirement of 0.31 acre for a total requirement of 0.99 acre. The requirement for this property is to be satisfied by 0.99 acre of off-site mitigation. TCPI/31/03 was approved by the Planning Board in connection with 4-03036.

A TCP II has been submitted with this detailed site plan and has been found to be acceptable.

8. **Approved Special Exception SE-3261**-Compliance with the requirements of approved Special Exception SE-3261 will be separately evaluated by staff in the report for ROSP SE-3261/01 the companion case to DSP-03042.
9. **Preliminary Plan of Subdivision 4-03036**-Staff has reviewed the applicant's submission in accordance with the requirements of Preliminary Plan of Subdivision 4-03036 and the comments offered by the Subdivision Section. Outstanding issues have been addressed in the Recommended conditions below.
10. **Referrals**
 - a. **Permits**-The Permit Review Section asked if the site plan complies with all the conditions of the original special exception and pointed out that a landscape strip, in accordance with Section 4.2 of the *Landscape Manual*, is required along all rights-of-way except where a parking lot is adjacent to the right-of-way. They noted that approximately 120 linear feet along the access road and 40 linear feet along Laurel-Bowie Road do not demonstrate compliance with Section 4.2 of the *Landscape Manual*. Further review, however, indicated that the Permit Review Section judged *Landscape Manual* conformance by the detailed site plan, not the landscape and lighting plan. Partial landscaping had been indicated on the detailed site plan and a landscape and lighting plan was not included in their packet.
 - b. **Transportation**^{3/4} The Transportation Planning Section has stated that they found the site plan acceptable.
 - c. **Subdivision**^{3/4} Noting that Preliminary Plan 4-03036 was approved by the Planning Board on September 4, 2003, the Subdivision Section stated that the resolution has not yet been adopted by the Planning Board. The resolution was subsequently adopted by the Planning Board on October 9, 2003. The condition of that approval that is directly applicable to the subject application has been included in the Recommended conditions below.
 - d. **Community Planning**^{3/4} The Community Planning Division stated that the proposed application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and that it conforms to the land use recommendations in the 1990 master plan for Subregion I.
 - e. **Environmental Planning**^{3/4} The Environmental Planning Section, noting that they previously reviewed the subject property as Preliminary Plan of Subdivision 4-03036 and TCPI/31/03 and recommended approval subject to a condition, stated that the Planning Board reviewed and approved same on September 4, 2003. Further, they noted that the

Beltsville series soil type, which is highly erodible, is found on the site. They also mentioned that the property in question is subject to the provisions of the Prince George's County Woodland Conservation Ordinance and that the applicant must submit final plans for TCPI/31/03 to the Environmental Planning Section for signature and that the TCPII/148/03 is recommended subject to one condition, which has been included in the Recommended conditions below.

- f. **State Highway Administration**¾ The State Highway Administration stated that the existing driveway may need to be modified to a right-in/right-out directional driveway and that the landscape plantings must be consistent with the State Highway Administration's Office of Environmental Design guidelines and that they not impede driver sight distance for egress onto the highway.
 - g. **DER Watershed Protection**¾ The Department of Environmental Resources stated that the subject site plan does not show the bioretention area or the stormdrain system as shown on the approved stormwater concept plan #12226-2003.
 - h. **Trails Planning**¾ The senior trails planner of the Transportation Planning Division has stated that though the Adopted and Approved Subregion I Master Plan designates MD 197 (Laurel-Bowie Road) as a master plan trail/bike corridor that could ultimately involve an eight-foot wide trail (or side path) along one side of the road, or standard or wide sidewalks on both sides of the road with in-road bicycle facilities (wide curb lanes or designated bike lanes), no frontage improvements would be recommended for the relatively short distance of the subject site. Noting that there are currently no sidewalks along MD 197 on either side of the subject property, they suggested that "Share the Road" signage be installed, in accordance with state requirements and with the location of such signage approved by the state prior to Planning Board approval, to alert motorists to the possibility of bicycle traffic on MD 197. Finally, they suggested that a note be placed on the final record plat that the installation will take place prior to the issuance of the first building permit.
 - i. **Maryland Department of Human Resources, Child Care Licensing Office**¾ At the time of this writing, staff has not received comment from the Maryland Department of Human Resources, Child Care Licensing Office.
 - j. **City of Laurel**—At the time of this writing, staff has not received comment from the City of Laurel.
11. The subject 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.

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 II Tree Conservation Plan (TCPII/148/03) and further APPROVED Detailed Site Plan DSP-03042 for the above-described land, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan:
 - a. The applicant shall submit the approved TCPI to the Environmental Planning Section for signature, with the error on the worksheet corrected to state that the off-site mitigation required is 0.99 acres and present the signed TCPI to the Urban Design Section.
 - b. The detailed site plan shall be revised to include one "Share the Road with a Bike" sign in accordance with state requirements and located as approved by the State Highway Administration.
 - c. The applicant shall remove the partial landscape plan currently indicated on the detailed site plan.
 - d. The applicant shall revise the detailed site plan to conform with approved stormwater concept plan #12226-2003 including, but not limited to, a bioretention area and a stormdrain system and shall provide evidence that the Department of Environmental Resources has reviewed and approved the addition of these elements to the plan.
 - e. The existing driveway shall be modified to a right-in/right-out directional driveway, unless the State Highway Administration indicates that an alternative design is acceptable.
 - f. A note shall be placed on the plans that the landscape plantings shall be consistent with the State Highway Administration's Office of Environmental Design guidelines and not impede driver sight distance for egress onto the highway.
2. A note shall be placed on the final record plat that installation of the required "Share the Road with a Bike" sign will take place prior to the issuance of the first building permit.

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 Vaughns, seconded by Commissioner Harley, with Commissioners Vaughns, Harley, Eley and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, November 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of November 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RG:wrc