

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 February 19, 2004, regarding Detailed Site Plan DSP-03073 for Congregation Nevey Shalom Day Care, the Planning Board finds:

1. **Request:** The request is for a day care center for 15 children in an existing synagogue.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	R-55	R-55
Use(s)	Synagogue	Synagogue and Day Care
Acreage	3.4262	3.4262

**Other Development Data:**

Enrollment	15 children
Parking (required)	73
Synagogue	71 spaces
Day care	2 spaces
Parking (provided)	75 spaces
Synagogue	73 spaces
Day care	2 spaces
Play area (required)	1,125 square feet
Play area (provided)	1,951 square feet
Portion of the existing synagogue to be used for the day care.	1,400 square feet.

3. **Location:** The site is in Planning Area 71B, Council District 4. More specifically, it is located at 3121 Trinity Drive in Bowie, in the southeast quadrant of the intersection of Annapolis Road (MD 450) and Trinity Drive.

4. **Surroundings and Use:** Land use surrounding the site is primarily residential, though two other religious institutions, St. Pious Catholic Church and St. Matthews Methodist Church, are located on the opposite side of Annapolis Road (MD 450).
5. **Previous Approvals:** The site was granted Special Exception SE-1627 for a private kindergarten on September 20, 1967, although the school is no longer in operation.
6. **Design Features:** The proposed day care is to be located in an existing synagogue located in the southeast quadrant of the intersection of Annapolis Road (MD 450) and Trinity Drive. The site is accessed at two points from Trinity Drive, forming a circular driveway in front of the synagogue. Parking is accommodated in a 61-space parking lot on the eastern side of the building and a 14-space parking lot, proximate to the day care outdoor play area on the western side of the building. The outdoor play area for the children contains a swing set and sliding board and provides adequate shade trees as per the requirements of the Zoning Ordinance.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-55 Zone, the site plan design guidelines, and Section 27-445.03 regarding day care establishments for children. More specifically, the application complies with these requirements as follow:

Requirement	Required/Allowed	Provided
Outdoor Play Area	1,125 sq. ft.	1,951 sq. ft.
Setback from Dwellings	25 feet	33 feet
Shade in Play Area	Shade trees or sun shade	Shade trees
Fence around Play Area	4 feet high	4 feet high
Outdoor Play Hours	7 a.m.–9 p.m.	7 a.m.–5:30 p.m.

- a. The subject application is in conformance with the requirements of Table 27-441(b) that outlines uses in the R-55 Zone. The proposed day care is a permitted use in the R-55 Zone as an accessory use to a synagogue (church).
  - b. The proposal is also in conformance with the requirements of Section 27-445.03, regarding day care establishments for children.
8. **Landscape Manual:** Since the proposed use does not involve any construction and because the proposed use is not more intense than the use currently on the property, the project is exempt from the requirements of the *Landscape Manual*.
9. **Woodland Conservation Ordinance:** The Environmental Planning Section stated that since the proposed project is limited to a change in the use of the building and does not involve grading or construction, the requirements of the Woodland Conservation Ordinance do not apply.

10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Community Planning**<sup>3/4</sup> The Community Planning Division, in a memorandum dated February 3, 2004, stated that there are no master plan or General Plan issues related to the subject Detailed Site Plan.
  - b. **Transportation**<sup>3/4</sup> At the time of the writing of this staff report, staff has not received a referral response from the Transportation Planning Section.
  - c. **Subdivision**<sup>3/4</sup> The Subdivision Section stated that the property is the subject of Record Plat WWW44@48, recorded in 1962. With no proposed additions to the building, the proposed project is exempt from the requirements to resubdivide per Section 24-111(c) of the Subdivision Regulations.
  - d. **Trails**<sup>3/4</sup> The senior trails planner of the Transportation Planning Division has stated that the proposed Detailed Site Plan was reviewed for conformance with the Adopted and Approved Bowie-Collington-Mitchellville and Vicinity Master Plan, which recommends a master plan trail along MD 450. However, since the trail is currently being constructed through a State Highway Administration capital improvement program project, no recommendations were made for the subject application.
  - e. **Permits**<sup>3/4</sup> The Permits Section had numerous comments regarding the plan that have either been addressed by revisions to the plans or in the recommended conditions below. Note that the synagogue to be used for a day care was built in 1969 and so is subject to and meets the parking space size requirements as specified in the Permit Review Section's comments. Also, based on the synagogue's age and its maximum seating capacity of 300, the proposed plan exceeds the requirement of one space for every 6 seats. Additionally, notes on the plan indicate that there are no residences within 25 feet of the property line and that the total acreage of the property is 3.4202.
  - f. **Environmental Planning**<sup>3/4</sup> The Environmental Planning Section stated that since the proposal is only for interior changes to an existing building, not grading or construction, there are no anticipated impacts to existing woodland on the site. However, if a grading permit were necessary, the applicant would have to show compliance with the requirements of the Woodland Conservation Ordinance.
  - g. **Department of Environmental Resources**<sup>3/4</sup> The Department of Environmental Resources stated that the project is in the City of Bowie and thus is in the city's jurisdiction for stormwater review.
  - h. **Prince George's County Fire Department**<sup>3/4</sup> The Prince George's County Fire Department offered comment regarding access to the premises and to fire hydrants, minimum width of the roads and marking of fire lanes.

- i. **Maryland Department of Human Resources, Office of Child Care Licensing**¾ The Office of Child Care Licensing of the Maryland Department of Human Resources has stated that they have no concerns with the site plan as presented.
  - j. **Maryland State Highway Administration**¾ The Maryland State Highway Administration determined that the existing ingress/egress would adequately serve the facilities. Therefore, they have no objection to the detailed site plan being approved.
  - k. **City of Bowie**¾ The City of Bowie requested that the applicant add a note to the Detailed Site Plan stating that the shade trees in the play area, the roof on the plan, and the rooftop mechanical equipment are all existing. They then stated that they have no further comments since the application and plans appear to comply with all other applicable land use regulations for the property. However, when prompted by a later response by the Department of Environmental Resources' suggestion that staff contact the City of Bowie regarding stormwater management, the City of Bowie stated that since the proposed project involved no new construction, they had no concerns regarding stormwater management with respect to the proposed project.
11. 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 accordance with Section 27-285(b) of the Prince George's Zoning Ordinance.

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-03073, subject to the following conditions:

- 1. Prior to signature approval, the detailed site plan shall be revised by adding notes to the plan indicating that:
  - a. The synagogue was built in 1966.
  - b. The day care will only occupy one room that measures approximately 1,400 square feet.
  - c. The private kindergarten that was approved by Special Exception SE-1627 on September 20, 1967, is not currently in operation on the premises.
  - d. The shade trees, roof and mechanical equipment on the roof indicated on the site plan exist and are not proposed.
  - e. Sunday School does not take place at the same time that regular services are held at the synagogue.

- f. Outdoor play area shall only be utilized between the hours of 7:00 a.m. and 5:30 p.m.

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 Eley, seconded by Commissioner Squire, with Commissioners Eley, Squire, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Harley absent, at its regular meeting held on Thursday, February 26, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of February 2004.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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