

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 20, 2006 regarding Detailed Site Plan DSP-06003 for Stable Foundation Day Care Center, the Planning Board finds:

1. **Request:** To review the proposal for a day care center with a proposed enrollment of 20 children within an existing church, the New Born Church of God.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-55 and D-D-O	R-55 and D-D-O
Use(s)	Church	Church and Day Care
Acreage	2.9	2.9
Parcel	1	1
Square Footage	6,400	6,400

OTHER DEVELOPMENT DATA

REQUIRED PARKING

Church (170 seats)	43
Day Care center	3
Total Required Parking	46

PROPOSED PARKING

Total Proposed Parking	28 standard; 16 compact; 1 HC; 1HC van 46 spaces
------------------------	---

3. **Location:** The subject property is located in Planning Area 75A, within Council District 7, at 810 Rollins Avenue.
4. **Surroundings and Use:** The subject property is bounded to the north by R-55-zoned property that is the subject of Detailed Site Plan DSP-04082 for a residential subdivision approved by the Planning Board on July 28, 2005. The case was reviewed by the District Council and was remanded back to the Planning Board. To the east is an undeveloped parcel of land also in the R-55 Zone. To the south is vacant land that was approved by the Planning Board as a residential subdivision and is pending District Council review. To the west is Rollins Avenue and across Rollins Avenue is land owned by M-NCPPC and single-family detached housing.

5. **Previous Approvals:** Previously approved plans demonstrate that the church first occupied this building in 1966.
6. **Design Features:** The subject site is accessed from Rollins Avenue. The day care center is proposed within the existing building, and the play area is located away from the street line and is tucked into an angle created by the building on the north side. An existing four-foot high aluminum fence with two gates encloses the play area.

COMPLIANCE WITH EVALUATION CRITERIA

7. Staff finds that the proposed development conforms to the purposes and recommendations for the development district as stated in the Addison Road Metro (ARM) Town Center sector plan. The ARM Town Center development district sector plan sets out four primary goals or purposes. These four goals emphasize the need for revitalization of the area and the need to accommodate the users of the Metro station and pedestrians. The development district standards were written as design criteria to implement these goals. The sector plan summary states the following purposes:

The chief single purpose of the sector plan is to maximize the public benefits from the Addison Road Metro Station. Built on a widened and improved Central Avenue, the Addison Road station represents years of transportation planning and construction and millions of dollars of public investment. The station connects the ARM Town Center to the many employment, shopping, recreation, and business opportunities available to users of the Washington Metro system.

The sector plan sets out four primary goals:

First, revitalizing the town center with new, upscale residential and commercial development. The entire town center area is in need of revitalization to attract new business and residents.

Comment: The proposed infill day care center as an accessory to the church will expand the services of the church site to the greater community.

Second, promoting transit-oriented development near the Metro station. Transit-oriented development serves Metro users, not the automobile.

Comment: The additional weekday use of the day care center on the site is in keeping with promoting transit-oriented development concepts.

Third, promoting pedestrian-oriented development. Pedestrian-oriented development aids Metro users and will encourage pedestrians to use residential and commercial properties near the Metro station; and

Comment: The site plan proposes very little change to the existing conditions of the property. The - reuse of an existing structure this close to the Metro station with an added weekday use may promote Metro use.

Fourth, compact development in the form of a town center, with a town commons area at Addison Road and MD 214, next to the Metro station. Compact development, with higher development densities favoring Metro users and pedestrians, offers the benefits of the Metro station to the greatest number of residents and businesses.

Comment: The proposed site plan contributes to the compact form of development envisioned by the DDOZ. The additional use provides for weekday services within an otherwise low-intensity use during the week.

8. The detailed site plan is exempt from the development district standards in part, due to the following sections of the Addison Road Metro (ARM) Town Center sector plan: Applicability of Standards and the site plan review process.

5. Nonresidential Development. An addition to a nonresidential structure which was lawful and not nonconforming on the date of the SMA approval is exempt from the standards and site plan review, if the addition does not increase the GFA by more than 10% or 5,000 square feet, whichever is less.

Comment: This application is considered an institutional use and does not propose an addition. The day care center will be located in an existing space. Therefore, the proposed accessory day care use that does not propose additional square footage is exempt from the Development District Standards.

6. Parking Facilities. Resurfacing, restriping or adding landscaping to parking facilities not required by the standards are exempt for the standards and site plan review, if the facilities were lawful and not nonconforming on the date of the SMA approval, will not add new spaces, and remain in conformance with all previously applicable regulations.

Comment: The plans propose to provide all of the required parking spaces per Part 11 of the Zoning Ordinance. The plan proposes to meet the required number of spaces by restriping the current asphalt parking compound to bring parking spaces into conformance with current regulations, including use of compact spaces, which will result in three more spaces within the current paving area than existed with the old 10-foot by 20-foot-space size. The language above referencing “new spaces” was intended to refer to the creation of new parking facilities, such as additions to existing parking compounds and new parking compounds. This interpretation of the language above is consistent with the exemption for restriping of a parking lot to create additional spaces in order to meet the requirements of the *Landscape Manual*. Further, the interpretation is consistent with the goals of the sector plan to create compact development. The incorporation of the day care center into the site extends the use of the property from a primarily Sunday operation to a weekday operation, consistent with the concepts of transit oriented development.

9. **Zoning Ordinance:** The sector plan allows the use of a daycare center in the R-55 Zone in a church subject to Section 27-445.03 of the Zoning Ordinance. The subject property meets this requirement because the property is 2.90 acres of land. A church must provide its tax exempt identification number (52-1620233) when applying for a detailed site plan or use and occupancy permit for an accessory day care center for children. The subject application has been reviewed for compliance with the requirements of Section 27-445.03 of the Zoning Ordinance.

(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;**

Comment: The minimum requirement of the outdoor play area is 750 square feet to serve 50 percent of the licensed capacity of the play area. The plan provides 875 square feet of play area.

- (ii) All outdoor play areas shall be located 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;**

Comment: There are no existing dwellings on any adjacent lots and the plan shows an existing four-foot-high fence around the play area.

- (iii) A greater setback 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;**

Comment: A greater setback is not necessary from the adjacent property.

- (iv) An off-premises outdoor play or activity area shall be located in proximity to the day care center and shall be safely accessible without crossing (at grade) any hazardous area, such as a street or driveway;**

Comment: The play areas are not located off premises and are located within a safe distance of the center. Crossing of vehicular pathways is not required to access the play area.

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

Comment: The play area is proposed on the north side of the building, which will provide some shade for the play area, but a shade tree should be added to the plans for additional

shade in the summer months.

- (vi) **Sufficient lighting shall be provided on the play area if it is used before or after daylight hours to ensure safe operation of the area; and**

Comment: The plans indicate that the play area will only be used during daylight.

- (vii) **Outdoor play shall be limited to the hours between 7 a.m. and 9 p.m.**

Comment: The plans indicate the hours of operation of the day care center will be from 7:00 am to 6:00 pm.

The proposal is consistent with the requirements of Section 27-445.03 regarding screening, safety and shade requirements of the play areas.

10. **Landscape Manual:** The proposed development is exempt from the requirements of Section 4.2, Commercial and Industrial Landscaped Strip Requirements, Section 4.3, Parking Lot Landscape Strip, and Section 4.7, Buffering Incompatible Uses, as the conversion of space from church use to day care center is considered a lower impact use.
11. **Woodland Conservation Ordinance:** This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because although the gross tract area of the subject property is greater than 40,000 square feet, there is less than 10,000 square feet of existing woodland. A Type I tree conservation plan was not submitted with the review package and is not required.
12. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

Community Planning Division reviewed the application and in a memorandum dated April 13, 2006, provided the following comments:

This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier corridors. The applicant's proposal conforms to the 2000 *Approved Sector Plan and Sectional Map Amendment for Addison Road Metro Town Center and Vicinity*.

The subject property is located at a designated community center in the Developed Tier. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed- use, pedestrian-oriented, medium- to high-density neighborhoods. Community centers are concentrations of activities, services and land uses that serve the immediate community. These typically include a variety of public facilities and services- integrated commercial, office, and some residential development and can include mixed-use and

higher intensity redevelopment in some communities.

The 2000 Approved Sector Plan and Sectional Map Amendment for Addison Road Metro Town Center and Vicinity retained the property in the R-55 Zone and placed the Development District Overlay Zone (DDOZ) over the R-55 Zone.

Transportation—The Transportation Section was sent a copy of the plan but had no comment.

Permits—In a memorandum dated June 5, 2006, the Permit Review Section provided review comments that have been addressed in the comments above.

Maryland Department of Human Resources—At the time of this writing, staff has not received comment from the Maryland Department of Human Resources.

Capital Heights and Seat Pleasant—At the time of this writing, these municipalities have not offered comment on the proposed project.

13. 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.

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-06003, subject to the following condition:

Prior to signature approval of the proposed detailed site plan a note shall be added to the plans indicating that no more than 50 percent of the children can use the play area at any one time, and a shade tree adjacent to the play area shall be provided.

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 Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Vaughns, Squire and Parker voting in favor of the motion at its regular meeting held on Thursday, July 20, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7th day of September 2006.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:SL:bjs