

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 December 21, 2006 regarding Detailed Site Plan DSP-06041 for Spirit of Faith Christian Center, the Planning Board finds:

1. **Request:** This application requests approval for a daycare and after care center for 100 children ages 2-6 within the Spirit of Faith Christian Center, in the currently occupied building of the church.
2. **Development Data Summary**

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone	O-S	O-S
Use(s)	Church	Church/Daycare Center
Acreage	7.7698	7.7698
Lots	1	1
Parcel	2	2
Building Square Footage/GFA	28,915	28,915
Church Sanctuary	24,892	24,892
Day care	NA	4,023
Play Area (square feet)	NA	3,970

## OTHER DEVELOPMENT DATA

	<b>REQUIRED</b>	<b>PROPOSED</b>
Total Parking Spaces	<b>354</b>	<b>400</b>
Church	332	376
Daycare	13	13
Handicap Spaces	8	8
Van Accessible	0	2
Loading Space	1	1

3. **Location:** The site is in Planning Area 86B, Council District 9. More specifically, it is located on the west side of Gibbons Church Road and south of North Keys Road in Brandywine, Maryland.
4. **Surroundings and Use:** The subject property is bounded to the north by a residential dwelling and a cemetery in O-S (Open Space) Zone; to the east by residential dwellings off Gibbons Church Road in the O-S Zone; to the west by a residential dwelling in the O-S Zone. The site is facing Gibbons Church Road to the west.
5. **Previous Approvals:** The property has an approved Numbered Exemption E-082-06, issued by the

Environmental Planning Section on August 8, 2006. The exemption was issued in error due to a GIS mapping error. Since the subject site has an approved Tree Conservation Plan TCPII/111/98, a letter of exemption cannot be granted and it is revoked.

6. **Design Features:** The subject site is accessed from Gibbons Church Road. There are two entrance points leading into a parking lot along a sidewalk that leads to two existing brick buildings. The site is developed with a 28,915-square-foot sanctuary/Sunday school building and a 1,710-square-foot fellowship/prayer meeting hall. The proposed daycare and after care facility are located within the church building. The Spirit of Faith Christian Center daycare is 4,023 square feet in size, proposes 100-student enrollment, and is intended for children ages 2-6 years. The school hours are from 7:00 a.m. to 6:00 p.m. The applicant is proposing to provide 3,970 square feet of play area on the southwest side of church. The playground is completely surrounded by a 4-foot-high chain-link fence; there are existing trees within the play area, which provides shade for the children. The applicant proposes to remove four existing parking spaces and curb to be covered with "Impact-Absorbing" materials that meet the CPSC guidelines and ASTM Standard. There is an existing loading space adjacent to the outdoor play area, which should be removed from the site plan.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the O-S Zone, the site plan design guidelines and the provisions regarding day care establishments in the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-441(b), which governs permitted uses in residential zones. The proposed day care center for children is a permitted use in the O-S Zone.
  - b. The proposed private school is in conformance with the requirements of Section 27-445.03, Day care center for children in residential Zones.

#### **Sec. 27-445.03. Day care center for children:**

- (a) **A day care center for children permitted (P) in the Table of Uses shall be subject to the following:**
  - (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;**

Comment: The applicant is proposing to provide a day care and after care facility for 100 children

between the ages of 2-6 years. The applicant is providing 3,970 square feet of outdoor play area for children, which is greater than the 3,750 square feet required.

- (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;**

Comment: The applicant proposes a 4-feet-high chain-link fence to enclose the outdoor play area.

- (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;**

Comment: The proposed outdoor play area is located to the southwest of the existing church. There is an existing loading space adjacent to the play area, which was requested by the Permits Section to be delineated from the site plan.

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

Comment: There are existing trees within the outdoor play area, which will provide sufficient shade for children during the warmer months.

- (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**

Comment: The applicant did not provide any lighting for the outdoor play area. A condition of approval is included in the recommendation section of this report.

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

Comment: The hours of operation for the proposed day care facility are between 7:00 a.m. to 6:00 p.m.

8. ***Landscape Manual:*** The proposed development is subject to the requirements of approved alternative compliance landscape schedule (AC-94061). The proposed landscape plan is in compliance with the approved landscape plan and with applicable *Landscape Manual* requirements.
9. ***Woodland Conservation Ordinance:*** This property is subject to the provisions of the Prince George's County Woodland Conservation and Tree Preservation 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.

10. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

**Historic Preservation:** In a memorandum dated October 18, 2006, the Historic Preservation stated the proposed development has no effect on the historic resources.

**Archeology:** In a memorandum dated October 24, 2006, the Archeology staff stated: "Phase I archeological survey is not recommended for the above referenced 7.77 acre property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. The property has been previously impacted by construction of the Spirit of Faith Christian Center and associated parking area."

**Community Planning:** In a memorandum dated November 21, 2006, the Community Planning Division stated that the proposed application is not inconsistent with the 2002 General Plan Development Pattern Policies for the Rural Tier. The proposed application conforms to the land use recommendations for 1993 *Subregion VI Study Area Master Plan and Sectional Map Amendment* for low-density rural residential uses. The 1994 *Sectional Map Amendment for the Subregion VI Study Area* retained the subject property in the O-S Zone.

**Transportation:** In a memorandum dated October 18, 2006, the Transportation Planning Section stated that since there are no additional buildings proposed for the site, the access or circulation will not be affected by the proposal. There are no outstanding Subdivision conditions which would appear to prohibit the use or the trips associated with it.

**Subdivision:** At the time of writing of this report no comments were received from the Subdivision Section.

**Trails:** At the time of writing of this report no comments was received from the Trails Planning Section.

**Parks:** In a memorandum dated October 13, 2006, the Parks and Recreation offered no comments.

**Permits:** In a memorandum dated October 18, 2006, the Permit Review Section offered numerous comments that either have been addressed or included in the recommendation section of this report.

**Environmental Planning:** In a memorandum dated November 20, 2006, the Environmental Planning Section recommended approval of DSP-06041 and Tree Conservation Plan TCPII/111/98-01 subject to conditions.

## **Background**

The Environmental Planning Section has previously reviewed the subject property as Type II Tree

Conservation Plan TCPII/111/98 for the Gibbons United Methodist Church, which was approved. A Letter of Exemption (E-082-06) was subsequently issued for the site in error because of a GIS mapping error. The site is currently developed with an administrative/sanctuary/Sunday school building and a fellowship/prayer meeting hall with associated site development. The current application is a Detailed Site Plan required for approval to add a daycare center for 100 children between the ages of 2 and 6 on the site.

### **Site Description**

This 11.77-acre property in the O-S zone is located on the west side of Gibbons Church Road, south of North Keys Road. A review of the available information indicates that no streams, 100-year floodplain, nontidal wetlands, severe slopes and areas of steep slopes with highly erodible soils are found to occur on the property. There are no identified transportation-related noise impacts. The soils found to occur according to the Prince George's County Soil Survey include Galestown, Rumsford and Sassafra, none of which have limitations that would affect the development of this property. According to available information, Marlboro clay does not occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. No designated historic or scenic roads abut this property. This property is located in the Spice Creek watershed of the Patuxent River basin and in the Rural Tier as reflected in the *General Plan*. According to the Countywide Green Infrastructure Plan, a small portion on the western end of Parcel 57 and 64 is located within the Evaluation Area and contains a Network Gap.

### **Environmental Review**

1. 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. A Type II Tree Conservation Plan, TCPII/111/98, was previously approved for the subject property, which includes Parcel 57, to the south that is not included in the DSP.

The Woodland Conservation Threshold for this site based on a gross tract area of 19.19 acres, which includes the 7.42-acre parcel to the south, is 9.60 acres (50 percent of the net tract). The amount of woodland conservation required, assuming the clearing proposed is 0.34 acres, is 4.68 acres.

The previously approved TCPII proposed to meet the requirement with 3.41 acres of on-site preservation, and 1.34 acres of on-site afforestation/reforestation to be fulfilled by natural regeneration, for a total of 4.75 acres. The current application proposes no revisions to that plan.

Year 2005 aerial photography indicates that the natural regeneration areas proffered at the time of the previous approval were never implemented. As a result, the site is not in conformance with the approved TCPII for the site.

The TCPII is missing some technical information. The TCPII shows a double row of trees around the natural regeneration area, but not use of temporary or permanent tree protection devices. The locations of woodland conservation signage have not been shown. No detail has been provided for permanent woodland protection signage and provides insufficient detail with regard to what the sign is attached to, how the sign is attached, the depth of the post in the ground, the overall height of the post, the height of the signage from ground level, and the material the sign is made off. The legend should be revised to include all graphic symbols and lines used on the plan. No planting schedule has been provided for the edge planting for the natural regeneration area.

**Recommended Condition:** Prior to certificate approval of the DSP, the Type II Tree Conservation Plan shall be revised as follows:

- a. Show the location of temporary and permanent tree protection devices, and show appropriate details to implement;
- b. Provide further details concerning how the design of the permanent tree protection signage, how it will be mounted, and where it will be mounted;
- c. Provide a planting schedule on Sheet 10 of 10;
- d. Provide a maintenance schedule and Type II Tree Conservation Plan notes; and
- e. Have the plan signed and dated by the qualified professional who prepared it.

**Recommended Condition:** Prior to the issuance of a grading permit for the site, the edge afforestation, associated fencing and woodland conservation signage shall be installed. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

**Recommended Condition:** Prior to the issuance of a grading permit for the site, an afforestation bond shall be submitted to the county based on the afforestation/natural regeneration requirement of the site, and shall be held for a minimum of two years, or until successful natural regeneration has occurred, whichever is less.

Comment: A condition of approval is included in the recommendation section of this report.

**Department of Environmental Resources (DER):** At the time of writing of this report no comment was received from the DER.

**Prince George's County Fire Department:** At the time of writing of this report no comments were received from the Fire Department.

**Department of Public Works and Transportation (DPW&T):** In a memorandum date October 23, 2006, the DPW&T stated: "The property is located along the west side of Gibbons Church Road in Brandywine. The existing building will be utilized to provide childcare facilities to accommodate about 100 children. Construction of a playground is being proposed on-site. A permit for onsite improvement was filed earlier and the necessary roadway improvements for Gibbons Church Road were provided; therefore, no additional improvements are necessary."

**Washington Suburban Sanitary Commission:** In a memorandum dated October 19, 2006, the WSSC stated there are no water and sewer mains in the vicinity of the site to serve this property.

**Maryland State Highway Administration:** At the time of writing of this report no comments was received from the Maryland State Highway Administration.

11. 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 Type II Tree Conservation Plan (TCPII/111/98-01) and further APPROVED Detailed Site Plan DSP-06041 for the above-described land, subject to the following conditions:

1. Prior to signature approval of the proposed detailed site plan, the following revisions shall be made to the plans or required items shall be submitted:
  - a. Provide detail sheet and specification for the fences around the playground.
  - b. Provide the square footage, gross floor area and use of each building on the site plan.
  - c. Delineate the loading space from the site plan.
  - d. Provide number of seats in the church under general notes.
  - e. Provide lighting plan for the outdoor play area if the area is used before or after daylight hours.
  - f. Demonstrate the existing trees in the outdoor play area or provide a shade structure for children.

2. Prior to certificate approval of the DSP, the type II tree conservation plan shall be revised as follows:
  - a. Show the location of temporary and permanent tree protection devices, and show appropriate details to implement;
  - b. Provide further details concerning how the design of the permanent tree protection signage, how it will be mounted, and where it will be mounted;
  - c. Provide a planting schedule on sheet 10 of 10;
  - d. Provide a maintenance schedule and type II tree conservation plan notes; and
  - e. Have the plan signed and dated by the qualified professional who prepared it.
3. Prior to the issuance of a grading permit for the site, the edge afforestation, associated fencing and woodland conservation signage shall be installed. A certification prepared by a qualified professional may be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.
4. Prior to the issuance of a grading permit for the site, an afforestation bond shall be submitted to the county based on the afforestation/natural regeneration requirement of the site, and shall be held for a minimum of two years, or until successful natural regeneration has occurred, whichever is less.

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Eley and Parker voting in favor of the motion, and with Commissioner Vaughns absent at its regular meeting held on Thursday, December 21, 2006, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 18th day of January 2007.

R. Bruce Crawford  
Executive Director



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By Frances J. Guertin  
Planning Board Administrator

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