

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 15, 2009, regarding Detailed Site Plan DSP-08015 for Red Robin Red Clover Day Care Center, the Planning Board finds:

1. **Request:** This application proposes a 2,000-square-foot day care center for children with a maximum enrollment of 20 children, within an existing building owned and used by a church, primarily occupied as well by a warehouse and distribution facility.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Church, church offices, warehouse	Church, church offices, day care center for children, warehouse
Acreage	3.38	3.38
Gross floor area	50,575 sq. ft.	50,575 sq. ft.
Church	4,300 sq. ft.	4,300 sq. ft.
Church offices	10,700 sq. ft.	10,700 sq. ft.
Warehouse	35,575 sq. ft.	33,575 sq. ft.
Day Care Center	0 sq. ft.	2,000 sq. ft.

Parking Data:

USE	FLOOR AREA	REQUIRED PARKING SPACES
Church	4,300 square feet	50 spaces (reduced to 30 during non-service hours)
Church offices	10,700 square feet	30 spaces
Warehouse	33,575 square feet	25 spaces
Day care center	2,000 square feet	3 spaces
Total building:	50,575 square feet	116 spaces (reduced to 96 during non-service hours)

PROVIDED:

Standard parking spaces	96
Handicapped parking spaces	5
Off-site parking during church hours	15
Total parking spaces	116
	(101 on-site)
Loading spaces required	3
Loading spaces provided	5

The church has obtained a written agreement with the adjacent property on the other side of Hampton Overlook Drive (the Home Flooring Center) to utilize off-site parking spaces during church hours. This is permitted under Section 27-586 of the Zoning Ordinance, which states that churches may reduce their normal parking requirement by up to 15 percent provided that the additional spaces will be provided during church service hours on another site within 500 feet.

3. **Location:** The subject parcel is located on the south side of Hampton Overlook Drive, approximately 850 feet east of Hampton Park Boulevard.
4. **Surroundings and Uses:** The surrounding properties are all developed with light industrial or flex buildings in the I-1 Zone.
5. **Previous Approvals:** The subject property was previously known as Lot 7, Block F of Hampton Park. This property was part of the larger 30.62-acre Hampton Park parcel, which was rezoned from the I-3 to the I-1 Zone by Zoning Map Amendment A-9114.

The Planning Board approved Preliminary Plan of Subdivision 4-84060 for Hampton Park on April 9, 1987. Subsequently, on July 16, 1987, the Planning Board approved Detailed Site Plan DSP-87071 for Lot 7 only, approving construction of the 50,575-square-foot building that currently exists on the site. At that time, the building was intended for light industrial use, and was approved including office space, a motor vehicle showroom, another showroom, warehouse space, and an industrial plant.

The property was purchased by the Faith Missionary Baptist Church in 2000. In 2001, the church obtained approval (Permit Number 2413-2000-CU) for interior building alterations for a church with up to 200 seats. In 2002, Permit Number 21147-2002-CGU was approved for a Head Start day care facility in the building. This permit was approved pursuant to Section 27-121 of the Zoning Ordinance which exempts federal governmental uses from site plan review, and thus the day care facility was not subject to detailed site plan approval at that time. The Head Start program has since vacated the building, and the applicant proposes to occupy the same floor area and play area that was utilized by the Head Start program. As the applicant is proposing a commercial day care operation, the subject application is subject to detailed site plan review before a permit can be issued.

6. **Design Features:** The existing building was constructed as a light industrial building containing a mix of office space, warehouse, and showrooms. The building faces north onto Hampton Overlook Drive and is surrounded on all four sides by parking and loading areas. It is a one-story building, with a brick front and concrete masonry sides and rear. There are loading doors located along the southern and eastern sides of the building.

The proposed day care center would occupy a 2,000-square-foot space located at the main entrance on the northern side of the building. The church occupies a 4,300-square-foot space on the western side of the building, as well as the second floor office space. The remainder of the ground floor constitutes warehouse space.

The existing play area on the site is located adjacent to the northeastern corner of the building. This play area was originally constructed for the Head Start day care that previously existed in the building. The play area is 782 square feet in size and contains a two-platform play structure including a slide, a tunnel connecting the two platforms, and a climbing apparatus. The base is a layer of mulch held in place by railroad ties around the edges of the play area. The area is enclosed by a four-foot-tall chain-link fence.

7. **Zoning Ordinance:** In the I-1 Zone, a day care center in a church is permitted as an accessory use. When filing for a detailed site plan or use and occupancy permit for an accessory day care center, the church must provide its tax exempt identification number. The Faith Missionary Baptist Church has provided its tax exempt number, 29-155349. This number should be shown in a note on the plans.

Day care centers in the I-1 Zone are subject to the requirements of Section 27-475.02 of the Zoning Ordinance, which are as follows:

Section 27-475.02. Day care center for children

- (a) A day care center for children permitted (P) in the Table of Uses in the I-1, I-2, and I-3 Zones 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;**

The day care center has a proposed maximum enrollment of 20 children. The applicant proposes that no more than half of these children will use the

play area at any one time, so the required area is 75 square feet for ten children, or 750 square feet. The existing play area is 782 square feet and thus meets the size requirement.

- (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;**

The play area is located more than 25 feet from all adjoining lots, which do not contain dwelling units. The play area is enclosed by an existing chain-link fence that is four feet in height.

- (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 play area is of significant concern because it is located directly adjacent to the loading doors along the eastern side of the building. It appears from the site plan that the play area is approximately 30 feet from the closest loading space. Furthermore, there are two dumpsters that are stored on the parking area east of the play area. These dumpsters are not shown on the site plan, but they are visible in photographs submitted by the applicant and their location was confirmed during a site visit by staff. These dumpsters occupy an area where the site plan shows parking spaces. It appears that the play area may be within 15 feet of the closest dumpster. The location of the play area in close proximity to the dumpsters and loading areas has created concerns about its appropriateness for children. The applicant has worked to address the concerns as outlined below.

The play area is conveniently located for access from the day care center because a paved walkway runs directly along the front of the building from the main building entrance to the play area. Moreover, there does not appear to be any other open location on the site where an outdoor play area could be constructed.

The dumpsters adjacent to the play area should be moved to another location behind the building where they will not obstruct parking spaces. The site plan should show the new location of the dumpsters.

The applicant has agreed to construct a screening wall along the edge of the pavement between the play area and the loading dock. The wall will be constructed of cinder block which will match the building wall material in this area. A proposed wall has been shown on the site plan, but it is shown along the edge of the play area rather than along the edge of the pavement. The site plan should be revised to show the wall in the intended location.

The applicant has also submitted a letter from the church stating that it is their policy not to allow loading except between the hours of 6 a.m. and 7 a.m. This would not coincide with the hours during which the playground is used. It is noted that there is no existing legal requirement for loading to occur outside of playground hours, but that the church's policy should minimize the conflicts between the loading area and the play area.

- (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;**

The play area is on the premises and is safely accessible by the walkway from the main entrance.

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

There are three shade trees located in the vicinity of the play area, which is also located directly against the eastern wall of the building. It appears that the trees will afford a certain amount of shade to the play area during early mornings, while the play area will be in the shadow of the building in the afternoon.

- (vi) 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 play area is not proposed to be used before or after daylight hours.

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

The site plan notes that outdoor play is limited to the hours between 7 a.m. and 9 p.m.

(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 this Section.**

The subject Detailed Site Plan DSP-08015 has been proposed in accordance with this requirement.

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

- (i) **The proposed enrollment;**

The site plan shows the proposed enrollment of the day care center to be 20 children.

- (ii) **The location and use of all buildings on adjoining lots; and**

The site plan shows the location of uses on adjoining lots. All buildings on the adjoining lots are currently used as warehouses.

- (iii) **The location and size of outdoor play or activity areas.**

The location and size of the existing play area is shown on the plans.

8. **Prior Approvals:** The existing building on the site is the same 50,575-square-foot structure that was originally approved under Detailed Site Plan DSP-87071. According to information on the approved plans for that case, the following uses were approved within the building at that time:

USE	FLOOR AREA	REQUIRED PARKING SPACES
Office:	10,700 square feet	30 spaces
Motor Vehicle Showroom:	2,700 square feet	6 spaces
Showroom:	4,300 square feet	9 spaces
Warehouse:	14,625 square feet	12 spaces
Industrial Plant:	18,250 square feet	17 spaces
Total building:	50,575 square feet	94 spaces

The plans for the permit issued in 2001 for the church contained the following square footage and parking information:

USE	FLOOR AREA	REQUIRED PARKING SPACES
Office:	10,700 square feet	30 spaces
Motor Vehicle Showroom:	2,700 square feet	6 spaces
Church (200 seats):	4,300 square feet	35 spaces (50 during church hours)
Warehouse:	32,875 square feet	24 spaces
Total building:	50,575 square feet	95 spaces

It appears from this information that the space currently occupied by the church is the same space originally approved as a showroom. It also appears that the originally approved warehouse and industrial plant space was combined for this permit into the 32,875 square feet of warehouse space.

The parking requirements for the church have been calculated according to the provisions of Section 27-586 of the Zoning Ordinance, which allow for a church to utilize off-site parking during church hours for up to 30 percent of their parking requirement, provided that the church has written permission to use the off-site spaces.

Section 27-586. Reduced requirements for churches

- (a) **For a church, the total number of parking spaces required may be reduced by not more than thirty percent (30%), provided:**
- (1) **The lot upon which the church is located is within five hundred (500) feet of any existing parking lot, including a public, private, or commercial lot;**
 - (2) **The church has written permission to use the existing parking lot; and**
 - (3) **The existing parking lot has sufficient spaces available during the time of regular church services to provide the total number of spaces required.**

Under approved Permit 21147-2002-CGU, a Head Start day care program was approved on the site. It does not appear that this permit demonstrated the other uses proposed in the site or the parking that would be generated by those uses. However, the applicant has revised the site plan so that it now accounts for all of the uses in the building and shows how parking for all the uses will be provided. The proposed day care facility will occupy the same 2,000-square-foot area formerly used by the Head Start program.

9. ***Prince George's County Landscape Manual:*** The site plan for the construction of this building was approved in 1987, prior to the approval of the *Prince George's County Landscape Manual*. As the

proposed day care center does not result in an increase in gross floor area, and the change of use is from a higher intensity category to a lower category, the plan is exempt from the requirements of the Landscape Manual.

10. **Woodland Conservation and Tree Preservation Ordinance:** The site is exempt from the Woodland Conservation and Tree Preservation Ordinance because the property contains less than 10,000 square feet of existing woodland and has no prior tree conservation plan approvals.
11. **Permit Review:** The plan notes have been revised and additional information has been submitted to address the issues identified by the Permit Review Section.
12. **Community Planning:** The application is not inconsistent with the 2002 General Plan Development Pattern Policies for Developed Tier Centers.

This application is not in conformance with the employment land use recommended in the May 1985 *Approved Master Plan for Suitland-District Heights and Vicinity, Planning Areas 75A and 75B* and the 1986 Sectional Map Amendment for Suitland-District Heights and Vicinity.

The proposed site for the day care center is located in the employment area of the Hampton Office and Industrial Area. Careful attention needs to be given to the design and location of the play area to determine whether this is an appropriate site for children's activities. An analysis of the play area is provided in Finding 7 above. The play area will be an appropriate site for children's activities if certain modifications are implemented as proposed in the recommended conditions below.

13. **Transportation Section:** There is no new construction proposed by this plan and there are no outstanding transportation-related conditions of prior applications.
14. **Department of Public Works and Transportation (DPW&T):** In a memorandum dated July 22, 2008 (Abraham to Lindsay), DPW&T stated that they have no requirements for this detailed site plan.
15. **Washington Suburban Sanitary Commission (WSSC):** In a referral dated July 14, 2008 (Black to Lindsay), WSSC noted that the building is existing and has water and sewer accounts with WSSC.
16. 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-08015, subject to the following conditions:

Prior to signature approval of the DSP, the following revisions shall be made:

- a. Show the proposed screening wall (at least nine feet tall and 19 feet long) in its intended location along the edge of the pavement between the play area and the loading area.
- b. Show a new location on the site plan for the dumpsters currently located near the play area.
- c. Add the church's tax-exempt number to the general notes.
- d. Demonstrate additional shrub plantings around the edges of the play area.
- e. Correct the floor area table to show the warehouse as 33,575 square feet.

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 Squire, with Commissioners Vaughns, Squire, Cavitt, Clark and Parker voting in favor of the motion at its regular meeting held on Thursday, January 15, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of February 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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