



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
TTY: (301) 952-4366  
[www.mncppc.org/pgco](http://www.mncppc.org/pgco)

PGCPB No. 13-33

File No. DSP-12011

## 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 April 4, 2013, regarding Detailed Site Plan DSP-12011 for St. James Episcopal Church, the Planning Board finds:

- Request:** The subject approval is for a day care center with a maximum enrollment of 50 children to operate from a one-story education building located within the environmental setting of the historic St. James Episcopal Church on a 1.05-acre property in the One-Family Detached Residential (R-55) Zone.
- Surrounding Uses:** The property is surrounded on the north by single-family detached residential units in the R-55 Zone; on the northeast by a historic single-family dwelling (Straining House) located on Lots 14-19, approximately 18 feet from the subject property; on the east by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Huntington Community Center in the R-55 Zone; on the west by single-family detached residential lots in the R-55 Zone; and on the south by the 50-foot-wide right-of-way of 8th Street with a Bowie Fire Department facility and single-family detached units beyond.
- Previous Approvals:** The property is subject to the requirements of Detailed Site Plan DSP-00034, Variance V-00034A, and Alternative Compliance AC-00040 for a Sunday school building and parking lot for an existing church approved by the Planning Board on November 30, 2000 and formalized in PGCPB Resolution No. 00-217, adopted by the Planning Board on December 21, 2000. The property is also subject to a stormwater management concept approval issued by the City of Bowie.
- Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-55	R-55
Use(s)	Church	Church and Day Care Center
Acreage	1.05	1.05
Parcels	1	1
Dwelling Units	0	0

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**Parking Required:**

<b>Church</b>	23
<b>Sunday School</b>	8
<b>Day Care Center</b>	7

**Total:** 31

**Total Parking Provided:**

Church, Sunday School, and Day Care Center 31 (including 2 handicapped spaces, 21 standard, and 8 compact parking spaces)

**Loading Spaces Required: 0**  
(one space for 10,000–100,000 s.f. of GFA)

**Loading Spaces Provided: 0**

**Minimum Outdoor Play Area Required per Section 27-464.02 of the Zoning Ordinance:**  
50 children x 0.5 x 75 square feet = 1,875square feet

**Enclosed Play Area Provided: 1,906 square feet**

5. **Design Features:** The subject site is accessed at a single point on the easternmost portion of its 8th Street frontage into the main parking facility. The main parking lot, together with an ancillary lot to its rear, provides a total of 31 parking spaces. A dumpster enclosure is included in its northeastern corner. Two buildings connected by a covered walkway are located on the site. The historic St. James Church (4,267 square feet) is located in the westernmost portion of the site and the one-story education building (3,895 square feet) to be utilized for the day care center for children is located central to the site. The play area for the children, to be enclosed by a six-foot-high board-on-board fence to be accessed by gates located on each end, is located directly behind this building. A system of sidewalks connects the buildings one to another, to the parking lot, and to the sidewalk which traverses the project's street frontage. The site is designed and landscaped in accordance with the prior approved DSP, AC, and variance approvals. No signage was included for the subject project.
6. **Conformance to the requirements of Detailed Site Plan DSP-00034, Variance V-00034A, and Alternative Compliance AC-00040:** Detailed Site Plan DSP-00034 was approved by the Planning Board on November 30, 2000 and PGCPB Resolution No. 00-217 was subsequently adopted by the Planning Board on December 21, 2000. That approval was made subject to one condition, compliance with which was required at the earlier time of signature approval of that DSP, so there are no conditions of that approval relevant at the present time. Variance V-00034A and Alternative Compliance AC-00040 were approved together with DSP-00034, subject to no conditions applicable at the subject time. A condition of this approval ensures that all of the

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plantings reflected in the original approval are accurately reflected on the subject DSP and that any missing or dying plant materials committed to in the original approval be reflected on the site plan and replaced as part of the subject project.

7. **Conformance to the applicable sections of the Zoning Ordinance:** The Planning Board has reviewed the subject project against the relevant requirements of the Prince George's County Zoning Ordinance and finds it in compliance. More particularly, with respect to Section 27-441(b), Table of Uses, the subject property is in the R-55 Zone and is developed as a church on 1.054 acres.

Section 27-441(b), Table of Uses, permits a day care center for children accessory to a church in the R-55 Zone in accordance with Section 27-445.03 and Footnote 34 in the Table of Uses. More particularly, the footnote states:

**Minimum lot size of two (2) acres required. A church must provide its tax-exempt identification number when applying for a Detailed Site Plan or a building or use and occupancy permit for an accessory day care center for children.**

A variance from the two-acre requirement contained in Footnote 34 is hereby granted. Each finding required for that variance is listed in **boldface** type below, followed by Planning Board comment:

Section 27-239.03 of the Zoning Ordinance allows the Planning Board or District Council to grant a variance. Required findings for a variance as stated in Section 27-230(a) include the following. Each required finding is included in **boldface** type below, followed by Planning Board comment:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic condition, or other extraordinary situations or conditions;**

The parcel is an unusual shape with a narrow portion of land to its central rear mostly occupied by a landscape buffer from a previous approval. Given the property's odd shape, combined with the existing church, a historic resource, its ancillary education building already located on the site, and the fact that the surrounding land area is already developed and in separate ownership, this element of the test for approval of a variance is adequately fulfilled.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

The land area surrounding the subject property is already developed and in separate ownership. Therefore, it is not reasonable to require the owner of the subject property to assemble a larger development parcel to meet the two-acre required minimum size. Given the existing circumstances on and around the site, a necessity to meet the two-acre minimum for a day care center in Footnote 34 would present peculiar and unusual practical difficulties for the owner.

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**(3) The variance will not substantially impair the intent, purpose, or integrity of the General or Master Plan.**

The variance approval will not impair the intent, purpose, or integrity of the General Plan or the 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment for Planning Areas 71A, 71B, 74A, 74B* (Bowie Master Plan and SMA). It fulfills Policy I in the 2002 *Prince George's County Approved General Plan's* Developing Tier of revitalization and redevelopment. The adaptive re-use of the education building on the subject property for a day care center for children will encourage continued revitalization of the subject property and may encourage other revitalization in its vicinity, in keeping with the goals and policies of the Bowie Master Plan and SMA.

Each other relevant requirement (in addition to the above-discussed variance request) of Section 27-445.03(a), Day care center for children, and Section 27-441, Table of Uses, Footnote 34, is included in **boldface** type below and is followed by Planning Board comment:

**(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;**

Fifty children is the approved capacity of the day care center. A play area has been included in the proposal of at least 75 square feet of play space per child for 50 percent of the licensed capacity (or 25), the maximum number of children to utilize the play at one time.

- (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;**

The outdoor play area is located to the rear of the education building, where it is more than 59 feet from the nearest residential dwelling on an adjacent lot. Additionally, the play area is indicated to be surrounded by a six-foot-high board-on-board fence to match the existing board-on-board fence on the property, in keeping with the second subpart of this requirement.

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- (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 Planning Board is not requiring a greater set back as the required 25-foot setback is well exceeded. However, the Planning Board is requiring a six-foot-tall fence, adequate to protect the health and safety of the children utilizing the play area.

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

As there is a mature tree located in the proposed play area, the Planning Board believes there will be sufficient shade afforded children and their caregivers during the warmer months.

- (v) **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**

General Note 14 states that "the proposed play area will be used by the day care center during daylight hours only. Thus, no lighting is proposed." Therefore, the applicant is in conformance with this requirement.

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

As General Note 14 states that the proposed play area will be used by the day care center during daylight hours only, the applicant may be said to conform to the requirement that play shall be limited to the hours between 7:00 a.m. and 9:00 p.m.

In addition, per Section 27-445.03, a site plan prepared in accordance with the following is required for the day care center. Each requirement is included in **boldface** type followed by Planning Board comment.

(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 the Section.**

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As the subject DSP is hereby approved for the day care for children, it may be said that the applicant has conformed to this requirement.

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

- (i) The proposed enrollment;**
- (ii) The location and use of all buildings located on adjoining lots;**
- (iii) The location and size of outdoor play or activity areas; and**
- (iv) The location, quantity, and type of screening and landscaping.**

The enrollment is specified in the Development Table included on the detailed site plan as a maximum of 50 children. The location and use of all buildings on adjoining properties have been included on the site plan. Most are residential in nature, though a community center is located to the east of the subject property. The play area is located to the rear of the one-story education building proposed to be utilized as the subject day care center. The location, quantity, and type of screening and landscaping are included on the site plan.

8. **Prince George's County Landscape Manual:** The application is subject to the requirements of Section 4.4 of the 2010 *Prince George's County Landscape Manual* and previously approved Alternative Compliance application AC-00004. Section 4.4 requires completely concealing all trash collection facilities and mechanical equipment from adjacent properties, streets, outdoor living and recreation areas, and parking facilities. Currently on the site, there is a dumpster outside an existing dumpster enclosure, and a range of heating/AC units along the rear façades of the buildings on the site. A condition of this approval, requires that all dumpsters and mechanical equipment on the property be properly screened in accordance with Section 4.4 of the 2010 *Prince George's County Landscape Manual*, with such screening approved by the Planning Board or its designee prior to signature approval of the plans. The Planning Board has reviewed the subject submission against the requirements of approved Alternative Compliance application AC-00040 and finds it in conformance.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** A standard letter of exemption issued by the Planning Board on September 26, 2011 states that the site qualifies for a standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previous tree conservation plan approvals.
10. **Tree Canopy Coverage Ordinance:** The approval is exempt from the requirements of the Prince George's County Tree Canopy Coverage Ordinance because the proposed project will cause less than 1,500 square feet of site disturbance.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject project was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

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- a. **Historic Preservation**—The subject application for a day care center for up to 50 children would have no effect on Historic Site 71B-002-05, Saint James Episcopal Church. Further, the proposed board-on-board fence is compatible with the existing fencing. However, a historic area work permit must be obtained prior to construction of the fence.

St. James Episcopal Church was built in 1906 as a mission chapel of the Holy Trinity Church at Collington. It is one of several examples of the work of local builder Millard Schafer. It is a fine example of early twentieth-century ecclesiastical Gothic Revival Architecture.

A condition of this approval requires that a historic area work permit be obtained prior to construction of the fence.

- b. **Archeological Review**

**Background**

The subject property is located in the City of Bowie and contains 1.054 acres in the R-55 Zone. The subject approval is for a children's day care for 50 children as an accessory to an existing church. The site is developed with the St. James Episcopal Church, which was designated a Prince George's County Historic Site (71B-002-05) on April 18, 2000.

**Findings**

- (1) The subject designated historic site is St. James Episcopal Church, designated in the *Historic Sites and Districts Plan* as 71B-002-05. In April 2000, St. James Episcopal Church was designated as a historic site; its environmental setting was determined to be the 36,250-square-foot property on which it stands, and which also includes Cornelius Hall, a non-contributing element. In June 2000, this group of lots was resubdivided and slightly enlarged to a single lot, Lot 77, comprising 1.054 acres. On October 17, 2000, the Historic Preservation Commission voted unanimously to increase the original 36,250-square-foot environmental setting to the 1.05 acres designated as Lot 77.
- (2) The project involves the establishment of a day care center for 50 children and fencing for a play area. There are no proposed changes to the existing buildings, parking areas, or other site design elements on the subject property other than the addition of a fenced play area.

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### Conclusions

- (1) There will be no changes to the existing buildings or parking areas on the subject property.
- (2) The proposed fenced play area is located within the environmental setting of the St. James Episcopal Church Historic Site (71B-002-05). Therefore, the applicant must submit a historic area work permit to the Planning Board for the construction of the proposed fence.

### Recommendations

- (1) General Note 5 of the detailed site plan should be corrected to read as follows:

“St. James Episcopal Church (#71B-002-05) is a Prince George’s County Historic Site, built in 1906 in the city of Bowie. There are no historic roads located within or adjacent to this property. The environmental setting is identified on this plan.”
  - (2) The applicant should submit a historic area work permit to the Planning Board or its designee for the proposed fencing for the play area.
- c. **Community Planning**—The subject application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and does not violate the General Plan’s growth goals for the year 2025 based upon a review of Prince George’s County’s current General Plan Growth Policy Update. The approval conforms to the residential, low-density development land use recommendations of the 2006 Bowie Master Plan and SMA.
- d. **Transportation**—The subject property fronts on 8th Street with two pedestrian access points and one vehicular access. The 1.05-acre property is zoned R-55 and is currently improved with two church buildings. In terms of site layout review, the site plan shows the existence of a 31-space parking area of which only 30 spaces are needed to support the existing and planned day care use. Further, there appears to be no potential for on-site circulation and overall site access conflicts.
- e. **Subdivision**—The subject property is known as Lot 77 located on Tax Map 29 in Grid B-2, and is 1.05 acres in the R-55 Zone (One-Family Detached Residential). Lot 77 was created by a Record Plat, VJ 189-99, which was recorded on June 13, 2000. The record plat was exempt from filing a preliminary plan of subdivision in accordance with Section 24-108(a)(3) of the Subdivision Regulations to adjust common boundary lines, incorporate vacated area, and consolidate lots. The site plan shows the bearings, distances, and public utility easements as reflected on the record plat.



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The property is improved with a 4,265-square-foot church and a 3,895-square-foot education building. All structures are to remain and no new gross floor area is being proposed. The request here approved is a revision to the detailed site plan to convert an existing area within the education building to a day care center as an accessory use.

Based on available aerial photographs (PGAtlas), the educational building was constructed between 2000 and 2005 pursuant to Detailed Site Plan DSP-00034 and was exempt at that time from the requirement of having a preliminary plan approved. Pursuant to Section 24-107 of the Subdivision Regulations, the subject approval is also exempt from the requirement of filing a preliminary plan because no new gross floor area is being proposed.

The Planning Board has made the following condition of the subject approval: Prior to certification of the plans for the project, the plat reference should be added to the general notes.

Further, they stated that the bearings, distances, lots, and blocks as reflected on the final plats shall be shown and match once the record plats are recorded prior to building permit, and that failure of the site plan and record plats to match will result in building permits being placed on hold until the plans are corrected.

- f. **Trails**—The subject DSP was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and/or the appropriate area master plan in order to provide appropriate recommendations. The type of master plan bikeway or trail involved in the subject project is a municipal right-of-way. As it is in a municipal right-of-way, an additional two to four feet of dedication may be required to accommodate construction of the trail. The subject approval is in the area covered by the MPOT. However, there are no master plan trails issues identified in either the area master plan or the MPOT. The subject site includes an existing sidewalk along its entire frontage of 8th Street. The property is immediately adjacent to the Huntington Community Center. The existing sidewalk along 8th Street provides access from the proposed day care to the adjacent community center. A condition of approval requires the applicant to provide a striped crosswalk at the site's ingress/egress point along 8th Street, unless modified by the City of Bowie.
- g. **Permits**—The numerous Permit Review comments have been addressed by revisions to the plans or in the conditions of this approval.
- h. **Environmental Planning**—The proposal is for a children's day care for 50 children as an accessory to a church. The only exterior work appears to be the addition of a six-foot-high fence surrounding the proposed play area and the addition of landscape planting.

The site is located approximately 550 feet from a railroad right-of-way; however, the on-site building and other surrounding buildings will provide sufficient shielding from

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noise associated with the railroad. No master-planned roadways designated as arterial or higher are located within the vicinity of the subject site. Noise is not anticipated to be an issue.

The project is not subject to the Woodland and Wildlife Habitat Conservation Ordinance because no grading or exterior work is proposed and no grading permit appears to be required. It should be noted that the site qualifies for a standard letter of exemption from the Woodland and Wildlife Habitat Conservation Ordinance. If a grading permit is needed to complete the work proposed with this or any future application, an exemption letter must be obtained by the applicant prior to issuance of permits.

No other environmental requirements relate to this approval.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered comment on needed accessibility, the location and performance of fire hydrants, and private road design.
- j. **Department of Public Works and Transportation (DPW&T)**—DPW&T noted that jurisdiction over both peripheral roads and any stormwater management considerations rests with the City of Bowie as the project is located therein.
- k. **Prince George's County Police Department**—The Prince George's County Police Department stated that they conducted a site visit for the project, with a particular focus on the proposed outdoor play area. Further, they stated that the detailed site plan/existing conditions drawings are in error showing the existing board-on-board fence located to the northwest adjacent to Lot 28 on the drawing. They stated that this section of fence is instead constructed of three-foot-high chain-link. They then recommended that the entire play area be fenced with six-foot-tall board-on-board, that the dead and broken limbs from the existing large tree in the center of the play area be removed, and that the rest of the play area be trimmed and cleaned up.

The applicant has verbally informed staff that it is their intention to have the trees pruned/limbed up so as to remove any safety hazard from the play area. A condition in the Recommendation Section of this technical staff report for the project would ensure that the other recommendations of the Police Department are incorporated into the project.

- l. **Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department stated that they completed a health impact assessment review of the detailed site plan submission for Saint James Episcopal Church—Children's Day Care and had no specific comments or recommendations regarding the project.
- m. **The Maryland State Highway Administration (SHA)**—SHA stated that they had no objection to plan approval as they do not have jurisdiction over the involved road.

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- n. **Washington Suburban Sanitary Commission (WSSC)**—WSSC, noting that the site is currently being served by existing and active water and sewer connections, offered general information regarding WSSC requirements.
  - o. **The City of Bowie**—In a letter dated December 6, 2012, the Mayor of the City of Bowie indicated that, on Monday, December 3, 2012, the Bowie City Council held a public hearing regarding the subject detailed site plan and that, after reviewing the DSP, all of the required criteria contained in Section 27-445.03 of the Zoning Ordinance are met, and that the revision represents a reasonable alternative for satisfying the Zoning Ordinance's site design guidelines without detracting substantially from the utility of the proposed development for its intended use. In closing, he concluded that the City Council recommends approval of DSP-12011.
12. Based on the foregoing analysis and as required by Section 27-285(b)(1) 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.
13. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible.
- As there are no regulated environmental features that must be preserved and/or restored to the fullest extent possible, this normally required finding need not be made in the subject case.

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-12011 and further approved a Variance to Section 27-441(b), Footnote 34, subject to the following conditions:

- 1. Prior to certification, the applicant shall:
  - a. The "proposed striping for a pedestrian crossing" currently indicated at the site's ingress/egress point along 8th Street shall be revised to include the words "unless modified by the City of Bowie."
  - b. Revise the project plans to include a detail of site screening around the existing trash dumpster per the requirements of Section 4.4(c)(4) of the 2010 *Prince George's County Landscape Manual*, for final approval by the Planning Board or its designee.
  - c. The play area shall be entirely enclosed by a six-foot-high board-on-board fence unless another fence type is recommended by the Historic Preservation Commission or its

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designee, with final design of the same approved by the Planning Board or its designee. The applicant shall submit a historic area work permit to Historic Preservation staff for the proposed fencing for the play area

- d. All trees to be included in the play area shall have all dead and/or broken limbs removed.
- e. General Note 12 shall be corrected to refer to the Education Building instead of a Sunday School building.
- f. All dumpsters and mechanical equipment on the property shall be properly screened in accordance with Section 4.4 of the 2010 *Prince George's County Landscape Manual* and approved by the Planning Board or its designee.

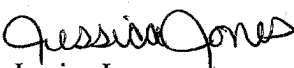
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Shoaff, seconded by Commissioner Geraldo, with Commissioners Shoaff, Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, April 4, 2013, in Upper Marlboro, Maryland.

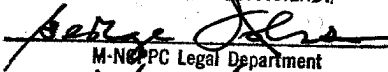
Adopted by the Prince George's County Planning Board this 25<sup>th</sup> day of April 2013.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:RG:arj

APPROVED AS TO LEGAL SUFFICIENCY

  
M-NCPPC Legal Department  
Date 4/12/13