



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 16-128

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. DSP-15010

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 Thursday, November 3, 2016, regarding Detailed Site Plan DSP-15010 for Living God Christian Academy (dba Shining Star Academy), the Planning Board finds:

1. **Request:** The subject application is a request for approval of a day care center, with a maximum enrollment of 80 children, in the One-Family Detached Residential (R-55) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-55	R-55
Use(s)	Church	Church and Day Care Center
Acreage	5.16	5.16
Parcels/Lots	5	5
Enrollment	0	80 children

Parking Required:

Church 154
(One parking space per 4 seats or 154 spaces for 615 seats)

Day Care Center 10
(One parking space per 8 children or 10 spaces for 80 children)

Total Parking Required 164

Total Parking Provided: 164

Loading Spaces Required: 1
(one space for 10,000–100,000 square feet of GFA)

Loading Spaces Provided: 1

Minimum Outdoor Play Area Required per Section 27-464.02 of the Zoning Ordinance:
80 children x 75 square feet = 6,000 square feet* at 50%

Enclosed Play Area Provided: 4,225 square feet

*The Prince George's County Zoning Ordinance requires that all outdoor play areas for day care centers for children in residentially-zoned areas have at least 75 square feet of play space per child for 50 percent of the licensed capacity, or 75 square feet per child for the total number of children to use the play area at one time, whichever is greater. The applicant has stated that a maximum of 50 children will be permitted to utilize the play area at one time. Therefore, the total required outdoor play area is 75 times 40 (half of the enrollment, rounded up), or 3,000 square feet. The applicant has met and exceeded this requirement by providing a play area measuring 4,225 square feet.

3. **Location:** The subject property is located on the south side of Chillum Road, approximately 62 feet east of Sargent Road.
4. **Surrounding Uses:** The subject site is bounded to the north by Chillum Road, to the west by Sargent Road, to the east by Kennedy Street and 15th Avenue to the South. Across Chillum Road are multifamily properties zoned Multifamily Low Density Residential (R-30) and R-55. East of the subject site is M-NCPPC property zoned Open Space (O-S). West, adjacent to the subject site, is a 7-11 zoned Commercial Shopping Center (C-S-C). All of the surrounding land uses south of the subject site are located in the R-55 Zone.
5. **Previous Approvals:** The site has a previously approved Departure from Parking and Loading Standards, DPLS-17, for a waiver of 44 required parking spaces (PGCPB Resolution No. 86-287).
6. **Design Features:** The property is a trapezoid-shaped parcel and is accessed directly from Chillum Road. The property is currently developed with a single-story 13,164 gross floor area church, of which 3,611 square feet is to house the proposed day care operation and a 164-space parking lot. A 4,225-square-foot play area surrounded by a four-foot-tall fence is proposed to be located on the western part of the property. A four-foot-wide walk is proposed to connect to a rear exit to provide safe passage for the children to the play area.
7. **Conformance to the applicable sections of the Zoning Ordinance:** The subject project was reviewed against the relevant requirements of the Zoning Ordinance and finds it in compliance. More particularly, with respect to Section 27-441(b), Table of Uses, the proposed day care center for children is a permitted use in the R-55 Zone.

Each other relevant requirement 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:

- (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;**

The proposed maximum enrollment for the Living God Christian Academy (dba Shining Star Academy) is 80. Therefore, the required play area for 50 percent of the licensed capacity is 3,000 square feet. As the outdoor play area indicated on the DSP measures 4,225 square feet, it meets and exceeds the size required by the Zoning Ordinance.

- (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 subject outdoor play area, located on Lot 100, west of Lot 102, which houses the day care center, is at least 25 feet from any dwelling unit, and is to be enclosed by a four-foot-tall chain-link fence. Given that there is no curbing for the parking areas that surround the proposed play area, installation of both guard rail and wheel stops for the adjacent parking area is recommended.

- (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;**

A portion of the proposed play area will be located within an existing parking area. Parking barriers should be added around the parking areas adjacent to the play area.

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

The applicant has proposed to plant shade trees and install shade structures around the outdoor playground area which should provide sufficient shade for the children playing in the designated area during the

warmer months of the year, in accordance with this requirement. The type of shade trees should be provided on the landscape plan.

- (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;**

The site plan indicates that outdoor play is limited to daylight hours, this requirement is not required.

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

A note on the DSP indicates that the hours of operation for the outdoor play area will be between the hours of 7:00 a.m. and 7:00 p.m. in conformance to this requirement.

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.**

The subject 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.**

General Note 16(b) indicates that the maximum number of children to be included in the day care will be 80, in accordance with Subpart (i) of the above requirement. The site plan indicates the building uses on the adjacent lots. The location and size of the outdoor play area are indicated as required by Subpart (iii) of the above requirement, and the location, quantity, and type of screening are located in accordance with Subpart (iv) of the above requirement. Therefore, it may be said that the applicant has conformed to this requirement.

8. **2010 Prince George's County Landscape Manual:** Per Section 1.1 of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) the subject project is exempt from the requirements of the Landscape Manual because there is not an increase of gross floor area, it is not a change of use from a lower to higher intensity, and there is no increase in impervious surface. However, the subject site and project is subject to Sections 4.2, 4.3, 4.7, and 4.9 of the Landscape Manual.
9. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject project is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance as it does not involve in excess of 5,000 square feet of land disturbance.
10. **Prince George's County Tree Canopy Coverage Ordinance:** The subject project is exempt from the requirements of the Tree Canopy Coverage Ordinance.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Zoning**—There is a concern regarding the safety and accessibility of the playground. The applicant responded by proffering the creation of a buffer between the children's playground route and the parking lot by either adding fence/landscaping elements or armadillo-type wheel stops along the southern portion of the route. Placing wheel stops along the parking lot bordering the fenced in play area would reduce the chance of future damage to the fence and provide additional barriers to the play area. At present, there are no wheel stops utilized in this area of the parking lot. This recommendation is reflected as a condition of approval. There is a shed that is located opposite the storage containers that should be noted and dimensioned on the site plan. The landscape plan must show conformance to the 1990 Prince George's County Landscape Manual, Section 4.2, for the southeast parking lot, which addresses landscaping for parking lots. Any landscaping not existing must be replaced. The site plan must show conformance to 2010 Landscape Manual, Section 4.3-2, specifically along the southwest section of the property. Any landscaping not existing must be replaced. There are two spaces located in front of the dumpsters that should be removed. The area located in front of the dumpster cannot be counted as parking. The shade structures must be shown on the site plan.

- b. **Community Planning**—The proposed development is located in the Established Communities area of the Prince George's County Growth Policy Map in the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). The vision for Established Communities in Prince George's County is to have context-sensitive infill and low- to medium-density development.
 - c. **Permit Review**—Permit review comments were reviewed regarding the site plan that included the need to provide its tax-exempt identification number when applying for a DSP; the provision of a tree conservation plan or exemption letter; the removal of storage containers from the rear of the site which are not permitted in the R-55 Zone; the identification of the type of shade trees being provided for the play area; and a correction in the number of handicap spaces provided and shown on the plan. The structure labeled existing sign on the site plan does not appear to be in the same location identified on the 2016 Color Imagery Layer aerial view of PGAtlas.com. Verify the location of the sign. If revising the sign location, provide the necessary information for a sign package pursuant to Section 27-596 and Section 27-617 of the Zoning Ordinance. Also, if the sign on the plan is in the correct location, a departure from sign design standards will be needed pursuant to Section 27-612 of the Zoning Ordinance because the sign, as shown on the site plan, does not appear to meet the minimum setback requirements.
 - d. **Prince George's County Police Department**—The Police Department did not comment on the subject project.
 - e. **Environmental Planning**—Environmental planning comments were not provided on the subject project.
 - f. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not comment on the subject project.
 - g. **Prince George's County Health Department**—The Health Department did not comment on the subject project.
12. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP 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 DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible if environmental features exist.

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-15010, subject to the following conditions:

1. Prior to certification, the applicant shall make the following revisions to the plans and submit the following documentation:
 - a. Provide a tree conservation plan or exemption letter.
 - b. Provide the tax-exempt identification number per Section 27-441(b)(2), Footnote 34, of the Prince George's County Zoning Ordinance as part of the detailed site plan application package.
 - c. Add a note on the site plan indicating a limit of no more than 40 children permitted in the play area at one time.
 - d. Revise the parking schedule to correctly indicate the total number of parking spaces required and provided. Remove the two parking spaces located in front of the dumpster. Clearly identify and illustrate the six required handicap spaces, one of which is a handicap van space, on the site plan.
 - e. Show and dimension the existing shed located at the rear of the church.
 - f. Remove the storage containers shown on the site plan.
2. Prior to certification of approval, the following changes shall be made to the landscape plan:
 - a. Identify the location and type of shade trees being provided.
 - b. Identify the location and type of shade structures.
 - c. The applicant must include the previously approved landscape plan (2010) to demonstrate conformance to the 1990 Prince George's County Landscape Manual, Sections 1.7(a) and 4.2, for the southeast parking lot.
 - d. The site plan must show conformance to the 2010 *Prince George's County Landscape Manual*, Section 4.3-2. Any landscaping not existing must be replaced.
3. Verify the location of the sign on the site plan. If revising the sign location, provide the necessary information for a sign package pursuant to Sections 27-596 and 27-617 of the Prince George's County Zoning Ordinance. If the sign on the plan is in the correct location, a departure from sign design standards will be needed pursuant to Section 27-612 of the Zoning Ordinance.

4. Prior to issuance of a use and occupancy permit for the project:
- a. The applicant shall design and create of a buffer between the children's playground route and the parking lot by either adding fence/landscaping elements or armadillo-type wheel stops along the north and east portion of the route. Place wheel stops in the parking spaces bordering the fenced in play area.
 - b. Remove the three storage containers located at the rear of the church on the subject property.

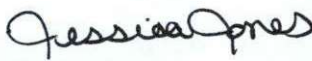
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, November 3, 2016, in Upper Marlboro, Maryland.

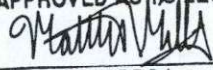
Adopted by the Prince George's County Planning Board this 1st day of December 2016.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:IRT:rpg

APPROVED AS TO LEGAL SUFFICIENCY.


M-NCPPC Legal Department
Date 11/15/16