

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 8, 2004, regarding Detailed Site Plan DSP-90094/01 for Fort Foote Baptist Church Child Development Center, the Planning Board finds:

1. **Request:** The subject application requests an increase in the enrollment in an existing day care center from 48 to 100 students in the RR Zone.
2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-R (Rural Residential)	R-R (Rural Residential)
Use(s)	Church and Day Care for Children	Church and Day Care for Children
Acreage	14.64	14.64
Parcels	1	1
Building Square Footage/GFA	35,914	35,914

OTHER DEVELOPMENT DATA

	REQUIRED	PROPOSED
Total parking spaces	158	162
Of which handicapped spaces		5
Standard spaces (9.5' x 19')	N/A	131
Compact spaces (8.0' x 16.5')	N/A	25
Loading spaces	1	1

3. **Location:** The site is in Planning Area 80, Council District 8. More specifically, it is located at 8310 Fort Foote Road in Fort Washington, approximately 3,000 feet south of the intersection of Fort Foote Road and Oxon Hill Road.
4. **Surroundings and Use:** The area surrounding the site is residential to the east and south, although a substantial ravine on the south side of the church property separates the existing single-family homes from the church use. Fort Foote local park, an M-NCPPC property, is located north of and directly adjacent to the subject site. A sidewalk connects the church property to the adjacent park, providing reciprocal pedestrian connection between the church and park. The park provides a tennis and

basketball court and a tot lot is currently under construction at the park. Directly across Fort Foote Road to the west are additional residential uses.

5. **Previous Approvals:** The subject property was the subject of a Preliminary Plan of Subdivision 4-97127, approved by the Planning Board on February 11, 1998. A detailed site plan, DSP-90094, was approved by the Planning Board for day care for children with an enrollment of 48 students on December 10, 1991, and formalized by the adoption of Resolution 90-525 on January 10, 1991. A Final Plat, VJ 184@74, was approved for the subject property including a note that would restrict the start of weekday activities at the church to after 8:00 a.m. The church itself was expanded in 2002 and full frontage improvements as required by the Department of Public Works and Transportation were made at that time.
6. **Design Features:** The site plan shows an existing one-story brick church located on a parcel fronting on Fort Foote Road. Vehicular access to the parcel is by way of a one-way asphalt drive entering the site from the southerly portion of the church's frontage on Fort Foote Road, traveling behind the church then exiting via a one-way drive on the northerly portion of the parcel's frontage on Fort Foote Road. An existing play area for the existing day care on the site is located across the asphalt drive from the church on its southerly side. Thirty-three parking spaces are provided on either side of the asphalt drive as it enters the site, to the front and partially to the side of the church. Five additional parking spaces are provided in front of the existing play area and the remainder of the parking is located to the rear of the church. Stormwater management is provided in the southeasterly corner of the lot.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** Staff has reviewed the application against the requirements of the Zoning Ordinance Sec. 27-445.03. Day care centers for children. Results of that review are as follow:

OTHER DEVELOPMENT DATA DEMONSTRATING COMPLIANCE WITH SECTION 27-445.03 OF THE ZONING ORDINANCE (DAY CARE CENTER FOR CHILDREN).

Required	Provided
Size of play area—(the greater of 75 square feet of play space per child for 50% of the licensed capacity or 75 square feet per child for the total number of children to use the play area at one time)	The proposed play area measures 3,750 square feet, exactly meeting the requirements of the Zoning Ordinance.
Location of play area (safely accessible from the day care and at least 25 feet from any dwelling on an adjoining lot.)	Play area is located directly across the private drive accessing the site, on the same lot, and at least 25 feet from any dwelling on any adjoining lot.

Required	Provided
Substantial wall or fence around play area at least four feet in height.	An eight-foot high metal fence encloses the existing play area.
Sufficient shade in play area.	Sufficient shade will be provided in the play area by existing trees located on its southerly border.
Lighting in play area if to be used after dark.	The play area will not be used after dark.
Outdoor play limited to 6 a.m. to 7 p.m.	Operating hours of the center are 6:00 a.m. to 7:00 p.m. Therefore, outdoor play could not extend beyond those hours. Please note, however, that the play area will not be used after dark.
Site plan shall show proposed enrollment, location and use of all buildings on adjoining lots, location and size of outdoor play or activity areas and the location, quantity, and type of screening and landscaping.	The site plan shows the proposed enrollment and the location and size of the outdoor play area. The location and quantity and screening and landscaping will be provided prior to signature approval of the plans.

8. **Preliminary Plan of Subdivision, 4-97127:** The subject property was the subject of a Preliminary Plan of Subdivision 4-97127, approved by the Planning Board on February 11, 1998. In comments offered May 24, 2004, the Subdivision Section expressed concern that a new preliminary plan may be necessary for the subject project due to the increase in enrollment. However, the Transportation Planning Section, in its comments dated May 10, 2004, stated that the site plan is acceptable. In all other respects, the subject site plan complies with the requirements of Preliminary Plan of Subdivision 4-97127. However, whereas Final Plat VJ 184@74 resulting from the preliminary plan restricted the start of weekday activities at the church to 8 a.m., a day care has operated from the premises since 1991, opening its doors regularly at 6:00 a.m. to clients. Staff recommends that the applicant work with the Subdivision Section to remove the subject note from the plat.
9. **Landscape Manual:** The submitted site plan shows fences, a barbecue and gazebo within the required bufferyard along the east property line. These structures have not been shown on the landscape plan. These structures were not shown on the previously approved site plan for the church addition, 3202-99-CGU. Either Alternative Compliance from Section 4.7 of the *Landscape Manual* should be obtained or the structures within the required bufferyard should be removed.
10. **Woodland Conservation Ordinance:** The site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland. A Forest Stand Delineation and a Type I Tree Conservation Plan, TCPI/80/97, were approved with Preliminary Plan 4-97127. A Type II Tree Conservation

Plan, TCPII/20/99, in conformance with TCPI/80/97 and DSP-90094 was approved as part of a grading permit. The grading and limit of disturbance are identical on the revised DSP and the Type II Tree Conservation Plan.

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

- a. **Historic Preservation**—The Historic Preservation Planning Section, in comments made May 10, 2004, stated that the proposed project would have no effect on historic resources and that there are no known cemeteries on the subject property.
- b. **Community Planning**—In a memorandum dated May 21, 2004, the Community Planning Division stated that there are no master plan issues raised through the review of the detailed site plan.
- c. **Transportation**—In comments dated May 10, 2004, the Transportation Planning Section has stated that the site plan is acceptable.
- d. **Subdivision**—In comments dated May 24, 2004, the Subdivision Section stated that notes on Final Plat VJ 184@74 restrict the start of weekday activities at the church to after 8 a.m. They further suggest that the detailed site plan provide reference to the condition and demonstrate compliance.
- e. **Trails**—The trails planner of the Transportation Planning Section has stated that although the 1985 Equestrian Addendum to the adopted and approved Countywide Trails Plan and the Adopted and Approved Subregion VII Master Plan both recommend a bicycle/trail facility along Fort Foote Road, since there is no new construction proposed with the subject application, the trails planner would make no recommendations regarding the master plan bicycle/trail facility at this time.
- f. **Parks**—At the time of the writing of this staff report, no comment has been offered by the Department of Parks and Recreation.
- g. **Permits**—In a memorandum dated May 21, 2004, the Permit Review Section offered several comments that have either been addressed by revisions on the plans or in the recommended conditions below.
- h. **Environmental Planning**—The Environmental Planning Section, in a memorandum dated June 9, 2004, recommending approval of the subject project, offered the following:
 - (1) This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size and has more than 10,000 square feet of woodland.

A Forest Stand Delineation and a Type I Tree Conservation Plan, TCPI/80/97, were approved with Preliminary Plan 4-97127. A Type II Tree Conservation Plan, TCPII/20/99, in conformance with TCPI/80/97 and DSP-90094 was approved as part of a grading permit. The grading and limit of disturbance are identical on the revised DSP and the Type II TCP.

Comment: No further action regarding woodland conservation is required with regard to this Detailed Site Plan review.

- (2) Because no new construction is proposed, the existing stormwater management facilities require no alterations.

Comment: No further action concerning stormwater management is required with regard to this Detailed Site Plan review.

- i. **Department of Environmental Resources**—In comments dated May 12, 2004, the Department of Environmental Resources stated that their office has no objection to the subject project.
- j. **The Prince George's Fire Department**—In comments dated May 24, 2004, the Prince George's Fire Department stated that the proposed project would have to comply with the applicable regulations regarding required access for fire apparatuses and the placement of fire hydrants.
- k. **The Department of Public Works and Transportation (DPW&T)**—DPW&T, in a memorandum dated June 11, 2004, stated that the subject application must provide right-of-way dedication and roadway improvements for Fort Foote Road along the frontage of the subject property in accordance with DPW&T's standards and must conform to DPW&T's street tree and street lighting standards. In addition, they stated that sidewalk and resurfacing of Fort Foote Road along the frontage of the subject property would be required. Lastly, they stated that all improvements within the public right-of-way must be in accordance with the County Road Ordinance, DPW&T's Specifications and Standards and the Americans with Disabilities Act, and that a soils investigation report would be required.
- l. **The Washington Suburban Sanitary Commission (WSSC)**—WSSC, in an e-mail dated May 21, 2004, stated that water and sewer service to the site exist and that the site should meet minimum code requirements for the number of fixtures to accommodate the enrollment of 52 additional children in the day care center.
- m. **The Maryland Department of Human Resources, Child Care Licensing Office**—At the time of the writing of this staff report, the Maryland Department of Human Resources, Child Care Licensing Office has not provided comment on the subject application.

- n. **The Maryland State Highway Administration**—In an e-mail dated May 26, 2004, the State Highway Administration stated that based on information presented and the project's location along a county road, they have no objection to the approval of Detailed Site Plan DSP-90094/01.
12. 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-90094/01, subject to the following conditions:

1. Prior to signature approval, the applicant shall either receive Alternative Compliance approval for the fences, barbecue and gazebo within the required Section 4.7 bufferyard along the east property line or remove the subject structures from the easterly bufferyard. Final approval of Alternative Compliance, if requested, shall be granted by the Planning Director as designee of the Planning Board.
2. Prior to the issuance of a certificate of occupancy for additional students, the applicant shall petition the Planning Director for a reconsideration of Preliminary Plan 4-97127 for the specific purpose of permitting the submission and approval of a new final plat to be recorded that would eliminate the existing restriction on Record Plat VJ 184@74 that prohibits activities at the church before 8:00 a.m.

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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 15, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of July 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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