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Detailed Site Plan

DSP-08015

Application	General Data
Project Name: Red Robin Red Clover Day Care Center Location: 850 feet east of the intersection of Hampton Overlook Drive and Hampton Park Drive Applicant/Address: Red Robin/Red Clover 9153 Hampton Overlook Drive Capitol Heights, MD 20743	Date Accepted: 07/01/2008
	Planning Board Action Limit: Waived
	Plan Acreage: 3.38
	Zone: I-1
	Dwelling Units: N/A
	Gross Floor Area: 50,575 sq. ft.
	Planning Area: 75A
	Tier: Developed
	Council District: 06
	Municipality: N/A
	200-Scale Base Map: 201SE08

Purpose of Application	Notice Dates
2,000-square-foot day care center for up to 20 children in an existing church.	Informational Mailing: 05/02/2008
	Acceptance Mailing: 06/26/2008
	Sign Posting Deadline: 09/30/2008

Staff Recommendation		Staff Reviewer: Chris Lindsay	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	CONTINUANCE
			X

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-08015
Red Robin Red Clover Day Care Center

Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation for a continuance, as described in the recommendation section of this report.

EVALUATION

The detailed site plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the Zoning Ordinance for the Light Industrial (I-1) Zone.
- b. The requirements of prior approvals.
- c. The requirements of the *Prince George's County Landscape Manual*.
- d. Referral comments.

FINDINGS

Based upon the analysis of the subject application, Urban Design staff recommends the following findings:

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 by a church and primarily occupied by a warehouse and distribution facility.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	I-1	I-1
Use(s)	Church, light industrial uses	Church, day care center for children, light industrial uses
Acreage	3.38	3.38
Gross floor area	50,575 sq. ft.	50,575 sq. ft.

More information needs to be provided by the applicant and shown on the site plan with respect to the uses existing and proposed in the building, and the parking and loading spaces available for these uses. See discussion of information lacking below.

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 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 another portion of the building, although the plans submitted do not provide the square footage of the church, or of any other uses within the building. The other proposed uses within the building are unclear based on the plans submitted. No signage has been proposed with this application.

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.

COMPLIANCE WITH EVALUATION CRITERIA

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, the church must provide its tax exempt identification number. The Faith Missionary Baptist Church has provided its tax exempt number, 29155349. 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, 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 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 10 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 close proximity of the dumpsters and loading areas, and the potential truck traffic,

fumes, possible rodent infestation, and noise associated with the dumpster and loading, create an unpleasant and potentially hazardous environment for the play area.

The play area is conveniently located for access from the day care because a paved walkway runs directly along the front of the building from the main building entrance to the play area. Moreover, there do not appear to be any other open locations on the site where a play area could be constructed. Staff recommends that the dumpsters should be moved to another location behind the building, and that the loading area on the eastern side of the building should only be utilized when the day care is not in session. Furthermore, shrubs should be densely planted around the perimeter of the chain-link fence, and a sight-tight fence or wall at least eight feet in height should be constructed to the south of the play area to screen views of the loading 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 to be 20 children.

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

The site plan only shows the subject lot; the location and use of buildings on adjoining lots have not been shown. The applicant should provide a plan that shows the buildings on adjoining lots and identifies their uses.

(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 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 calculations for the church appear to have been calculated according to the provisions of Section 27-586, 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.**

Since the parking spaces are all provided on the site rather than another site within 500 feet of the subject property, and the applicant has not demonstrated any written agreement with a nearby property to utilize their existing parking lot during church services, staff has concluded that this reduction cannot be utilized by the church. Thus, the church's parking requirement that was calculated at 35 spaces should actually be 50 spaces. The total number of parking spaces required based on the land uses shown on the 2001 permit would thus be 110 spaces. As the existing parking lot contains only 101 parking spaces, the site under its existing configuration does not meet the zoning ordinance's parking requirements. It should also be noted that the existing dumpsters adjacent to the play area, which were not shown on the site plan or the permit, are currently occupying several of the parking spaces.

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.

The proposed day care center has a floor area of 2,000 square feet and a maximum proposed enrollment of 20. This generates a parking requirement of 3 spaces. However, the plans submitted are unclear as to what space in the approved building configuration the day care center will replace (office, showroom, or warehouse). The plans submitted for DSP-08015 list the square footage of the day care center and state that it requires 2.5 parking spaces, but do not clearly state the parking requirement of the church and do not show any information about any other uses in the building. A note on the plan states, "101 existing parking spaces on site. Church is not in session during daycare days and hours. Church admin reports to work during daycare hours and 70% of church parking must be available during church hours 30% or 15 parking spaces are available when church is not in full session." It appears that this note is based on a misunderstanding of the provisions of Section 27-586. As Section 27-586 does not apply to the parking situation on this site, the plan must provide parking for all of the uses that are present in the building or obtain a departure from the number of parking and loading spaces.

Without knowing what other uses besides the church and the day care will be in the building, it is impossible to determine exactly what the parking requirements on the site are.

The applicant should revise the plans to demonstrate all uses proposed on the site and their parking generation rates. Although some of the building may be vacant at this time, the potential uses that are proposed for the entire building should be accounted for on the detailed site plan. The site must provide adequate parking for all uses proposed in the building, or a departure from parking and loading standards would be required. The church may wish to pursue a written agreement with adjoining property owners pursuant to Section 27-586 in order to provide for

off-site parking for the church and enable the church to utilize the 30 percent reduction of on-site parking spaces outside of church service hours.

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 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 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.

REFERRALS

11. **Permit Review Section:** In a memorandum dated July 2, 2008 (Gallagher to Lindsay), the Permit Review Section noted several problems with the plans. The following comments remain unaddressed:
 - a. Section 27-570 (Multiple Uses) of the Zoning Ordinance requires that where there are two or more uses in the same building or on the same lot, the total number of parking spaces required by each shall be provided. The parking schedule must be updated to clearly identify the number of parking spaces required for the church and day care and any other uses in the building. If there is not enough parking for all uses a departure from parking and loading standards will be required.
 - b. There is a note on the site plan that references 70 percent of the church parking must be available during church hours and 30 percent or 15 parking spaces when not in full session. This note does not apply and should be removed from the site plan. See Section 27-586 of the Zoning Ordinance for the correct requirement.
 - c. The general notes must include the number of compact, standard, and handicap parking spaces provided. A typical parking space must be demonstrated on the site plan and the spaces must be drawn to scale.
 - d. Section 27-475.02(2)(ii) of the Zoning Ordinance requires the location and use of all buildings on adjoining lots and the location and size of outdoor play or activity areas be shown on the plans.
 - e. The square footages of all uses must be provided. A loading schedule must be provided on the site plan on a unit by unit basis. The loading spaces and access to the loading spaces must be 22 feet wide and located 50 feet from any residential property.
12. **Community Planning South Division:** In a memorandum dated September 30, 2008 (Fenwick to Lindsay), the Community Planning South Division made the following determinations:

This 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 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. In addition, the designated outside play area should be evaluated to ensure that it meets State and County regulations.

13. **Transportation Section:** In a referral dated July 2, 2008 (Masog to Lindsay), the Transportation Planning Section stated that 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:** In a memorandum dated July 22, 2008 (Abraham to Lindsay), the Department of Public Works and Transportation (DPW&T) stated that they have no requirements for this detailed site plan.
15. **Washington Suburban Sanitary Commission:** In a referral dated July 14, 2008 (Black to Lindsay), the Washington Suburban Sanitary Commission noted that the building is existing and has water and sewer accounts with WSSC.

RECOMMENDATION

In light of the unavailable information regarding proposed uses in the building and the parking requirements generated by each use, staff cannot determine whether there is adequate parking on the site to meet the requirements of all uses within the building. Furthermore, the locations and uses of all adjacent lots must be shown on the site plan.

Therefore, the Urban Design Section staff recommends that the case should be continued indefinitely in order to allow the applicant time to prepare and submit revised plans that provide all of the required information.