



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Revision of Site Plan

ROSP-3697-02

Application	General Data	
Project Name: Ideal Child Care Center Location: South side of District Heights Parkway, approximately 85 feet east of Breton Drive. Applicant/Address: Legacy International Zion Ministries, Inc. (dba/Ideal Child Care Center) 6809 District Heights Parkway District Heights, MD 20747 Property Owner: Great Commission Global Ministries 6809 District Heights Parkway District Heights, MD 20747	Planning Board Hearing Date:	07/29/10
	Staff Report Date:	07/14/10
	Date Accepted:	01/19/10
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.34
	Zone:	R-55
	Gross Floor Area:	7,610 sq. ft.
	Lots:	1
	Parcels:	N/A
	Planning Area:	75A
	Tier:	Developed
	Council District:	06
	Election District	06
	Municipality:	District Heights
	200-Scale Base Map:	203SE06

Purpose of Application	Notice Dates	
Revision of a special exception (major change) to add eight new parking spaces, modify the play area, and to increase the day care center enrollment from 62 children to 164 children.	Informational Mailing	06/02/10
	Acceptance Mailing:	06/15/10
	Sign Posting Deadline:	06/29/10

Staff Recommendation		Staff Reviewer: Ivy Thompson Phone Number: 301-952-4326 E-mail: Ivy.Thompson@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

TECHNICAL STAFF REPORT

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor

FROM: Ivy R. Thompson, Senior Planner

SUBJECT: **Revision of Site Plan (Major Change) Special Exception Application No. 3697-02**

REQUEST: **Addition of eight new parking spaces, modification of the play area, and to increase the day care center enrollment from 62 children to 164 children.**

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of July 29, 2010. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and addressed to the Prince George's County Office of the Zoning Hearing Examiner, County Administration Building, Room 2184, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3530.

FINDINGS

- A. **Location and Field Inspection:** The subject property is located on the south side of District Heights Parkway, approximately 85 feet east of Breton Drive. Access to the subject property is via a semi-circular entrance along District Heights Parkway (at the eastern and western section of the property). The subject property is a rectangular shaped lot, 1.34 acres in size and zoned One-Family Detached Residential (R-55). It is improved with a 7,610-square-foot brick structure that serves as a church, school and day care facility, and a 6,200-square-foot play area with requisite parking all located in the western portion of the site. Parking exists on a combination of bluestone and macadam surfaces, which are adjacent to the District Heights Parkway frontage. Most of the parking provided is on bluestone surfaces. Extremely steep slopes exist in the southern portion rendering this area unusable. Some mature trees and heavy vegetation exist in this area.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-55	R-55
Use(s)	Church, School & Day Care	Church, School & Day Care
Acreage	1.34	1.34
Lots	37-42	37-42
Square Footage/GFA	7,610 sq. ft.	7,610 sq. ft.

- C. **History:** The District Council originally approved the day care center and private school in accordance with Special Exception No. 3697 (SE-3697, November 14, 1987) and subsequently modified the conditions of approval on May 25, 1990 to permit dust-free instead of asphalt paving. The Planning Board approved Departure from Design Standards No. 292 (DDS-292) via PGCPB Resolution No. 87-415 from the required landscaping and Departure from Parking and Loading Standards No. 48 (DPLS-48) via PGCPB Resolution No. 87-414 from eight required parking spaces, both with conditions. The uses have operated since that time on the property. The proposed revision of site plan, with recommended conditions related to hours of operation, parking lot drainage and surfacing, dumpster screening, adequate public safety, limiting play area use to 62 children at one time, and approval of Departure from Parking and Loading Standards No. 148 (DPLS-148), with conditions to show the parking and loading schedules for the requested uses, are in harmony with the purposes and in conformance with all of the applicable requirements of the Zoning Ordinance.
- D. **Master Plan Recommendation:** This property is located within the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods. The 2009 Approved Subregion 4 Master Plan and Sectional Map Amendment envisions the development and preservation of single-family and town homes in Living Areas E and F relegating additional apartments/condos to the centers.

The subject property is located in Living Area E (Zone 3) of the Approved Subregion 4 Master Plan and Sectional Map Amendment. The land use and community design recommendations for this area are to preserve and conserve existing older neighborhoods and to develop single-family and townhomes while relegating apartment/condo living to the centers.

The plan also recommends the implementation of bike lanes in the District Heights community from Scott Key Drive to Marbury Drive in keeping with Policy 1 under the Transportation section which reads, “Develop bicycle-friendly roadways to improve connectivity throughout Zone 3.” The applicant proposes to update its existing site plan with additional parking spaces to make use of existing capacity by increasing the day care enrollment from 62 children to 164 children. This change appears to be consistent with the goals of the sector plan.

- E. **Request:** The applicant seeks approval of a revision of the site plan to add eight new parking spaces, modify the play area, and to increase the day care center enrollment from 62 children to 164 children. There are no changes to the special exception boundaries or to the existing structures that are approved for uses as a church, day care, and private school.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries, as referenced in the Zoning Hearing Examiner’s October 14, 1986 decision on SE-3697.

North—	District Heights Parkway;
South—	Marlboro Pike;
East—	Potomac Electric Power Company (PEPCO) transmission line; and
West—	County Road.

The neighborhood is comprised predominantly of single-family detached dwellings, except for multifamily garden apartments on the north side of District Heights Parkway. The institutional uses include two churches, another private school, and the District Heights Elementary School on the east side of County Road. Commercial uses, including two neighborhood shopping centers, exist on the north and south side of Marlboro Pike.

The property is surrounded by the following uses:

North—	District Heights Parkway and multifamily dwellings zoned R-18 (Multifamily Medium Density Residential);
East—	PEPCO transmission line and property zoned R-55;
South—	Single-family residences zoned R-55; and
West—	Former church parsonage, then Breton Drive zoned R-55.

- G. **Specific Special Exception Requirements for a Day Care**

Section 27-348.01. Day care center for children.

- (a) **A day care center for children may be permitted, subject to the following:**
- (1) **The District Council may specify the maximum number of children to be enrolled, which may not be increased by State or local health, education, or fire regulations;**

Comment: Based on information submitted by the applicant and comments from Prince George’s County agencies, the proposed increase in enrollment can be accommodated on-site with minor adjustments to the site plan.

- (2) **An ample outdoor play or activity area shall be provided, in accordance with the following:**

- (A) **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;**

Comment: Seventy-five square feet (sq. ft.) x 164 children = 12,300 sq. ft.
12,300 sq. ft. of play space is required to serve the proposed 164 (total enrollment) children at one time.

75 sq. ft. x 82 children (50 percent of the licensed capacity) = 6,150 sq. ft.

6,150 sq. ft. of play space is required to serve 50 percent (82 children) of the enrollment.

The subject application is a request to increase the enrollment to 164 children which requires 6,150 square feet (75 sq. ft. x 164 children/2) of play area for 50 percent of the licensed capacity. The current size of the playground area is 6,200 square feet; currently up to 62 children are permitted to use the play area simultaneously, per previous approvals. Previous approvals allow for the joint use of the play area by both the private school and the day care center. This stipulation should be modified to reflect the proposed increase in enrollment for the day care use and allow up to 82 children (one-half of the proposed enrollment) to use the play area simultaneously.

- (B) **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;**

Comment: The play area on the property is located more than 25 feet from any dwelling on an adjoining lot. It is a defined area bounded on all four sides by a four-foot chain-link fence.

- (C) **A greater set back from adjacent properties or uses or a higher fence may be required by the District Council if it determines that it is needed to protect the health and safety of the children utilizing the play area;**

Comment: All adjacent properties are buffered from the building by some physical obstruction such as a highway divide, hillside, vegetation, or the County right-of-way.

- (D) **Any 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;**

Comment: An on-site play area and a 6,200-square-foot fenced area is provided. It is not necessary to use off-premises outdoor play or activity areas.

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

Comment: A four-foot chain-link fence encloses the entire play area. The southwestern boundary of the play area is lined with trees that provide shade from the sun. There are multiple activity areas within the play area. There are sections for playground apparatuses, ball play, and mobile toys like tricycles and toy motor cars. During extreme heat advisory days, the children shall remain indoors.

- (F) **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**

Comment: There is external lighting for the entire building including the outdoor play area. The outdoor play area hours of use are 7:00 a.m. to 6:00 p.m., which are daylight hours.

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

Comment: The approved hours of operation for the existing day care are 7:00 a.m. to 6:00 p.m. The outdoor play area is used between 9:00 a.m. and 6:00 p.m., which is within the required operable hours of 7:00 a.m. to 9:00 p.m.

- (3) **In the C-W, C-M, I-1, I-2, and I-4 Zones, a Special Exception for a day care center for children shall be allowed only if the Council finds that existing development and uses in the neighborhood (particularly on adjacent properties) will not adversely affect the proposed use.**

Comment: The subject property is in the R-55 Zone. This provision is not applicable to this application.

- (b) **In addition to the requirements of Section 27-296(c), the site plan shall show:**

- (1) **The proposed enrollment;**
- (2) **The location and use of all buildings located on adjoining lots; and**
- (3) **The location and size of outdoor play or activity areas.**

Comment: The site plan notes the proposed enrollment as 164 children (General Note 4 a-c), as well as the use of all buildings located on adjoining lots and the location and size of the outdoor play or activity area.

- (c) **Any day care center for children which has, on or before the effective date of this Ordinance, fully complied with the provisions of this Subtitle in effect at the time the use commenced shall not be required to meet the requirements of this Section, provided that the use has not been expanded or changed since that time. Any**

expansion or change shall be governed by the provisions of this Section, or of Sections 27-445.03, 27-464.02, 27-475.02, or 27-541.02.

Comment: The revision meets the requirements of this section and Section 27-445.03, per the previous approvals. This revision does not expand or change the previously approved special exception boundary.

- (d) For the purposes of this Section, enrollment shall mean the largest number of children enrolled in the center in any one (1) session.
(CB-23-1988; CB-98-1988; CB-1-1989)**

Comment: Based upon this definition, the day care is seeking an increase of enrollment to 164 children through making minor changes, namely, adding eight parking spaces to the site plan and modifying the outdoor play area, which does not exceed ten percent of the existing site plan.

- H. **Parking Regulations:** Section 27-568(a)(6) of the Zoning Ordinance requires one parking space for every four seats in the main auditorium for a church; one parking space for every eight children for a day care center for children; and one parking space for every six children for a private school. The church seats 224 parishioners, which requires 56 parking spaces; the private school is approved for 38 students, which requires 6.3 parking spaces; and the day care with the proposed enrollment of 164 children will require 20.5 parking spaces. A minimum of 83 parking spaces are required. Two previously approved Departures from Parking and Loading Standards, DPLS-48 for eight spaces and DPLS-148 for 19 spaces, reduced the required number of parking spaces to a minimum of 56 parking spaces. Section 27-572 (Joint use of parking lot) allows for an additional reduction in parking by up to 20 percent for each participating use in a joint lot for both the private school and day care uses, which reduces the parking requirement by five spaces. Therefore, 50 parking spaces are required. The site plan shows a total of 51 parking spaces, which includes eight new parking spaces.
- I. **Prince George's County Landscape Manual Requirements:** Previous approvals provided waivers from the total required landscaping from the *Prince George's County Landscape Manual* with conditions. The proposed new parking spaces will have minimum impact.
- J. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:
- (1) The proposed use and site plan are in harmony with the purposes of this Subtitle;**
 - (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**
 - (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**
 - (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**
 - (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

Comment: The proposed revision will not impair the District Council findings in the original approval of the special exception. Each of the above criteria was addressed when the special exception was initially approved by the District Council. The Council found that the use complied with each criterion. The applicant's request is to add eight parking spaces to an existing site plan, modify the play area, and increase the day care enrollment to 164 children. The proposed use is in harmony with the purpose of this Subtitle and is in conformance with all applicable requirements of the Subtitle. The revision proposal is within the applicable development requirements and regulations set forth in the Zoning Ordinance. All applicable zoning requirements are listed on the site plan, ROSP-3697-02. This proposal does not affect or impair the integrity of any validly approved master plan or functional master plan nor will it affect the health, safety, or welfare of residents or workers in the area. The proposal will not be detrimental to the use or development of adjacent properties or neighbors in general. The site is exempt from the Woodland Conservation and Tree Preservation Ordinance.

Section 27-322 Amendments of Approved Special Exception, in general

- (a) No use allowed as a Special Exception and no building or structure used in connection with that use, shall be erected, enlarged, altered or extended beyond the limits authorized in the approval of the Special Exception, unless provided for in the Zoning Ordinance.**

Comment: The proposed revision, increasing the day care enrollment from 26 children to a maximum of 164 children, may be approved by the District Council in accordance with Sections 27-317 and 27-322 of the Zoning Ordinance. The day care center (and private school) have existed at the subject site since 1987 and have not been shown to adversely affect the health, safety, or welfare of residents or workers in the area or to be detrimental to the use or development of adjacent properties or the general neighborhood. Tree conservation plan requirements do not apply to the subject application since the special exception was approved prior to November 21, 1989 (November 14, 1986). The increase in the day care enrollment will occur within the existing church education building.

Section 27 -324 Special Exception Major Changes

- (a) The District Council may (for good cause) amend any imposed condition or approved site plan without requiring a new application if the amendment does not constitute an enlargement or extension of a Special Exception use.**
- (2) In the case of an amendment of an approved Special Exception site plan, the amendment request shall be in the form of an application filed with the Planning Board. The contents of the application shall be determined by the Planning Board. Along with filing the application, the applicant shall submit a revised site plan and shall pay a fee in accordance with Section 27-297. The Technical Staff shall analyze the proposed amendment, taking into consideration the requirements of this Subtitle, and shall submit (for the record) a recommendation. The recommendation and the proposed amendment shall be transmitted by the Technical Staff directly to the District Council. The Council shall hold a public hearing on the request, and notify all persons of record (including all person of record in the original application and any amendments thereof) in the same manner as required**

for an original application. The Planning Board shall post a sign on the subject property, setting forth the date, time, and place of the hearing, in the same manner as required for an original application.

Comment: The subject application meets these requirements. The request to increase the total enrollment from 62 to 164 children does not constitute an enlargement or extension of the special exception use. The proposed day care center will continue to operate within the special exception boundaries approved with the original special exception.

L. Referral Comments

Transportation Planning Section—The application proposes no additional construction. The site contains a church and an associated building that is currently used for the day care facility. The request is to increase the day care enrollment from 62 to 164 children. It is recognized that a portion of trips entering and leaving the site are the result of pass-by traffic (traffic that is already using the adjacent roadway). While a maximum of 65 percent pass-by has been assumed for facilities along major roadways, given the location of this facility, few trips are pass-by, and most trips would be diverted from other roadways in the vicinity. The following analysis assumes pass-by of ten percent, which is reasonable given its location away from major roadways. Therefore, the impact of the day care expansion, using trip rates from the *Trip Generation Manual* (Institute of Transportation Engineers) is as follows:

Comparison of Estimated Trip Generation, ROSP3697-02								
Zoning or Use	Units or Square Feet	AM Peak Hour Trips			PM Peak Hour Trips			Daily Trips
		In	Out	Total	In	Out	Total	
Existing Use								
Day Care	62 students	27	23	50	24	27	51	278
	Considering pass-by	24	21	45	22	24	46	
Proposed Use								
Day Care	164 students	68	60	128	63	71	134	735
	Considering pass-by	61	54	115	57	64	121	
Difference		+37	+33	+70	+35	+40	+75	+457

The increased enrollment does not appear to be sufficient to trigger the need for additional studies of traffic impacts. Outside of special exception cases where studies are required, traffic studies have rarely been deemed necessary, and then only for uses generating over 100 new trips. The critical intersection for this site is the intersection of District Heights Parkway and Breton Drive. That intersection is controlled by a roundabout that appears to have been installed about seven years ago. No recent traffic counts are available at that location. The portion of District Heights Parkway in front of the subject site is one-way eastbound; while such traffic operations introduce circuitous travel for day care patrons, there are no apparent safety issues that would result from the expansion. It is important to remember that adequacy of transportation facilities is not an issue in the review of this use; review is strictly within the required findings of health, safety, and welfare.

The site is not within or adjacent to any master plan transportation facilities. There are no outstanding transportation conditions associated with the site, and the expansion of the use would

not violate any outstanding trip caps. The revision application poses no issue regarding the original special exception finding for the original application, as the finding relates to transportation.

Environmental Planning Section—The site is exempt from the Woodland Conservation Ordinance. The site contains more than 10,000 square feet of woodland and is larger than 40,000 square feet in area, making the property subject to the Woodland Conservation Ordinance. However, the subject activity is exempt for the requirements of the Woodland Conservation Ordinance until such time as the cumulative woodland disturbance exceeds 5,000 square feet during any five year period or the site is required to go through the land development process.

Subdivision Review Section—The property was previously the subject of Record Plat BB 9 @ 27 (attached) recorded in Prince George's County land records on March 2, 1942. Pursuant to Section 24-111(c)(2) of the Subdivision Regulations, a preliminary plan of subdivision is required for the construction of more than 5,000 square feet of gross floor area in certain circumstances. The special exception site plan indicates that the applicant is not proposing to add any additional square footage, therefore, not requiring a preliminary plan of subdivision. There are no other subdivision issues at this time.

Permit Review Section—The engineer should clarify the playground area by correcting General Note 7, which stipulates the play area required.

Historic Preservation—The proposed revision to SE-3697 will have no effect on identified historic sites, resources or districts.

The Department of Parks and Recreation—No Comment.

The Town of Capitol Heights—No Comment.

The City of District Heights—No Comment.

CONCLUSION

Based on the preceding analysis and findings, staff recommends APPROVAL of Revision of Site Plan (Major Change) ROSP-3697-02, subject to the following condition:

1. The site plan shall be revised as follows:
 - a. The site plan shall be designated site/landscape plan;
 - b. Correct General Note 7—remove “Play AREA REQUIRED = 9,950.”
 - c. A note shall state that the play area shall be limited to a maximum of 82 children at one time and is to be operated during daylight hours only, beginning at 7:00 a.m.;
 - d. A note shall state the hours of operation of the day care center and private school as Monday through Friday, 7:00 a.m. to 6:00 p.m.;
 - e. The site/landscape plan shall show the same parking and loading schedules as that approved for DPLS-148;

- f. The parking lot shall be drained so as to prevent damage to other properties and streets in accordance with Section 27-557 of the Zoning Ordinance;
- g. The parking areas shall be resurfaced with dust free bluestone to create a consistent grade and surface prior to the issuance of the use and occupancy permit; and
- h. The dumpster shall be shown in the northeast corner of the parking lot and shall be screened with a six-foot-high board-on-board fence.