

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 October 13 2016, regarding Detailed Site Plan DSP-16021 for River of Life Church, the Planning Board finds:

1. **Request:** The subject application is for approval of a detailed site plan (DSP) to increase an existing day care center enrollment from 30 to 55 children.
2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	R-55	R-55
Use(s)	Church, Public Charter School, Day Care	Church, Public Charter School, Day Care
Acreage	8.98	8.98
Parcel	1	1
Gross Floor Area (sq. ft.)	73,149	73,149

**Other Development Data:**

**Parking Spaces Required**

Church (682 seats @ 1 space/4 seats)	<b>171</b>
Public Charter School (485 students @ 1 space/6 students)	<b>81*</b>
Day Care (55 children @ 1 space/8 children)	<b>7</b>

**Total Parking Required** **178**

**Parking Spaces Provided** **180**

Standard Spaces\*\* **168**

Standard ADA Spaces **5**

Van-Accessible ADA Spaces **7**

**Loading Spaces Required** **1 space**

**Loading Spaces Provided** **2 spaces**

Notes: \*Technically, a public charter school is not required to meet Zoning Ordinance requirements for parking, so this number is given for reference only. A note on the DSP indicates that the school and church do not operate concurrently. Therefore, the provided on-site parking is sufficient to accommodate the school use.

\*\*The site plan does not specify parking space size, so it is unclear if there are any compact spaces on the site. Therefore, a condition has been included in this approval requiring the clarification.

3. **Location:** The subject site is located in Planning Area 76A, Council District 7. Specifically, the property is located on the south side of Norcross Street, approximately 260 feet southeast of its intersection with Saint Clair Drive.
4. **Surrounding Uses:** The subject property is bounded to the north, south, east, and west by single-family detached homes in the One-Family Detached Residential (R-55) Zone, part of the Hillcrest Heights Subdivision. Access to the parcel is via a spur road off of Norcross Street to the north.
5. **Previous Approvals:** The site was originally developed as Sandymount Elementary School in approximately 1957. The public school system conveyed the building and grounds to the County Government in 1984. Detailed Site Plan SP-85040 was originally approved by the Prince George's County Planning Board on June 27, 1985 for a 170-student private school for Full Gospel A.M.E. Church. Detailed Site Plan SP-87157 was approved by the Planning Board on December 7, 1987 for approximately 16,000 square feet of addition to the building for the church use. The '01' revision was approved by the Planning Director in 1990 for a garage addition and the removal of three parking spaces. The '02' revision was approved by the Planning Director in 1992, in conjunction with Alternative Compliance AC-91115, for an addition of 4,876 square feet of classroom space to the building.

In 2010, a Use and Occupancy Permit, 15542-2010, was issued for a public charter school, Imagine Lincoln Public Charter School, on the subject property. In 2015, a Use and Occupancy Permit, 11440-2015, was issued for the public charter school on the property again because of a change in the property owner. The most recent permit for the property was 31820-2016-CU, issued on July 27, 2016, for a 682-seat church, a 200-student school, and a day care with 30 children.

The subject property has an approved Stormwater Management Concept Plan, 41399-2016-00, which was approved on August 18, 2016 and is valid until August 18, 2019.

6. **Design Features:** The subject application is to increase the existing day care center enrollment from 30 to 55 children in the existing building, which is also currently used for a church and school. No exterior construction is proposed or required to increase the day care enrollment. The day care use is part of the large, two-story, brick church/school building, which is located in the northeast corner of the property. Access to the site is provided via a drive connecting to Norcross Street to the northeast. The associated parking is located mainly to the west of the building, and the

entire southern portion of the site consists of the outdoor play areas for the day care and school uses. The entire site is enclosed with an existing six-foot-high chain-link fence.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The application has been reviewed for compliance with the requirements of the Zoning Ordinance in the R-55 Zone and the site plan design guidelines of the Zoning Ordinance.

a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed day care use is a permitted use in the R-55 Zone as an accessory use to a church, in accordance with Section 27-445.03. Section 27-445.03, Day care center for children, includes the following site design requirements for day care uses:

**(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 applicant is proposing an enrollment capacity of 55 children, requiring a minimum 2,063-square-foot play area. The existing play area on the south end of the property is over 80,000 square feet and will be used by both the day care and school. This requirement is met.

**(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 proposed outdoor play area is located on the same lot as the center and the entire parcel is enclosed with a six-foot-high chain-link fence, which is more than 25 feet, at its closest distance, from any dwelling on the adjoining lots.

**(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 existing play area within the church campus, enclosed by a six-foot-high fence and located far away from the existing single-family detached homes, does not necessitate a greater setback or higher fence.

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

The existing play area does not currently provide shade from the sun during the warmer months. The applicant is proposing to install four new shade trees adjacent to the playground; however, they are shown on the north side of the area, which will not provide optimum shade. Therefore, a condition requiring the trees be relocated to the south side of the playground is included in this approval.

**(v) 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**

Existing lighting, as shown on the plans, is provided throughout the play area to ensure safe operation if it is used before or after daylight hours.

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

The submitted plan provides a general note indicating that the hours of outdoor play will be limited to the hours between 7:00 a.m. and 9:00 p.m.

- b. The submitted DSP appears to be in conformance with the applicable parts of Section 27-442, Regulations in the Residential Zones, including lot coverage, lot width, and yard depths. However, the plan does not demonstrate conformance in the notes. Therefore, a condition has been included in this approval requiring this information to be added.
- c. The DSP is in conformance with the applicable site plan site design guidelines contained in Section 27-274, as cross-referenced in Section 27-283. For example, the subject development provides the majority of the parking to the side of the structure, pedestrian access is provided into the site from the right-of-way, and service areas are accessible, but unobtrusive.

**8. Detailed Site Plans SP-85040 and SP-87157 and its revisions:**

- a. **Detailed Site Plan SP-85040:** This Planning Board approved site plan for a 170-student private school had no conditions of approval that are relevant to the review of the subject DSP.

- b. **Detailed Site Plan SP-87157 and its two revisions:** These Planning Director-level approvals involved minor additions to the building and had no relative conditions of approval that are relevant to the review of the subject DSP.
9. **2010 Prince George's County Landscape Manual:** The proposed development is generally exempt from the standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual) since no increase in gross floor area (GFA) or impervious surface for parking or loading is proposed. The subject property was previously subject to the 1990 Prince George's County Landscape Manual, however, since no building or grading permit is required for this proposed development, conformance with Section 1.7 (Certificate of Landscape Maintenance) is not required. For reference only, the four shade trees proposed around the playground do meet Landscape Manual requirements for size and species. The general notes on the site plan need to be corrected to address the Landscape Manual conformance required with this plan and specific exemptions.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The property is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance because it has no previous tree conservation plan approvals and it contains less than 10,000 square feet of woodland. The application has a valid Standard Letter of Exemption, S-082-16, issued on May 4, 2016, which is valid until May 4, 2018.
11. **Prince George's County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. The day care facility will be located in an existing structure and the outdoor play area is also existing; therefore, the application is exempt from TCC requirements.
12. **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. **Community Planning**—The *Approved Plan Prince George's 2035 General Plan* (Plan Prince George's 2035) designates the property within the Established Communities policy area. The vision for this area is to have context-sensitive infill and low- to medium-density development, but makes no relevant recommendations influencing this application. Therefore, this application is consistent with Plan Prince George's 2035.

This property is not located in one of the five focus areas in the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)* (Heights and Vicinity Master Plan and SMA). It is in the Hillcrest Heights/Marlow Heights residential neighborhood, but there are no specific recommendations for this property. The overall residential recommendation is that infill development should occur in accordance with the land use recommendations, which are public/quasi-public for this

specific property. Therefore, the application is consistent with the Heights and Vicinity Master Plan.

- b. **Transportation Planning**—This DSP is not preceded by a preliminary plan of subdivision. Consequently, there was no trip cap established on this property. The property is currently improved with a building with many functions, including a church and school. The only change that is being sought through this DSP is to expand the menu of uses to include a 55-student day care center. Typically, a day care facility would generate 0.80 trips and 0.81 trips per student during the AM and PM peak hours, respectively. Therefore the projected trip generation would be 44 trips. Given the fact that the day care facility will be located within the same structure that houses the school, better than 65 percent of the generated trips will be considered pass-by trips. Consequently, the number of new trips to be generated by the proposed day care facility would be approximately 15 during both peak hours.

From the standpoint of transportation, two of the key issues to be addressed in a DSP review are adequacy of access and internal site circulation. Regarding site access, the existing development is accessible through a single access point, and no new access point is being proposed. Similarly, no changes are being proposed to the parking lot area including drive aisles. Consequently, the circulation pattern will remain unaffected. Therefore, the Planning Board found this application to be acceptable from the perspective of transportation.

- c. **Subdivision Review**—The subject property is composed of Parcel 147, which has not been the subject of a preliminary plan of subdivision (PPS) or record plat, and is a legal acreage parcel that existed prior to 1982 in its current configuration. The property is located on Tax Map 88 in Grid B-3. Based on aerial photographs and permit records (6839-99-CGU) the site is the subject of previously approved Detailed Site Plans SP-85040 and SP-87157-02. The revision to the site plan was for the construction of a 4,876-square-foot addition to the building in 1992 for an increase in enrollment for the existing school.

Pursuant to Section 24-107(c)(7) of the Subdivision Regulations, the cumulative development of more than 5,000 square feet after January 1, 1990 will require a new PPS. Based on the addition constructed in 1992, the development of more than 124 square feet of gross floor area (GFA) will require a PPS. The subject DSP is for an increase in enrollment with no additional GFA and, therefore, there are no subdivision issues.

- d. **Permit Review**—Permit review comments have been addressed either by revisions to the plan or in the conditions of this approval.
- e. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated August 12, 2016, DPIE offered the following summarized comments on the subject application:

- (1) This church is located at 4207 Norcross Street in Temple Hills.
- (2) No development is proposed with this referral; its sole purpose is for a day care use within the existing church facilities. DPIE has no objection to the proposed DSP-16021.

f. **Prince George's County Department of Human Resources**—No memorandum was received from the Department of Human Resources with regard to the subject application.

13. 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.
14. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:

**(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

The subject property received a Natural Resources Equivalency Letter, NRI-EL-001-16, dated August 6, 2016, which indicates that there are no regulated environmental features located on the subject site. Therefore, this requirement does not apply.

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-16021, subject to the following conditions:

1. Prior to certificate approval of the detailed site plan, the following revisions shall be made:
  - a. Provide dimensions of the typical parking spaces on the plan and correct the parking schedule as necessary to correspond with the plan.
  - b. Relocate the proposed four shade trees to the south side of the playground area.
  - c. Revise the general notes to correctly reference *Prince George's County Landscape Manual* conformance and exemptions.
  - d. Add a chart to the general notes regarding conformance with the regulations in Section 27-442 of the Prince George's County Zoning Ordinance.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 13, 2016, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 20th day of October 2016.

Patricia Colihan Barney  
Executive Director

By Jessica Jones  
Planning Board Administrator