

R E S O L U T I O N

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 September 21, 2017, regarding Detailed Site Plan DSP-17004 for Turkish American Community Center Day Care, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) application is a request for addition of a day care center, with a maximum enrollment of 120 children, to an existing religious institution (mosque) in the One-Family Detached Residential (R-80) Zone.

2. **Development Data Summary:**

| | EXISTING | APPROVED |
|-------------------------------|-----------------|-------------------------------|
| Zone | R-80 | R-80 |
| Use(s) | Institutional | Institutional/Day Care Center |
| Acreage | 11.74 | 11.74 |
| Lot | 1 | 1 |
| Enrollment number | 0 | 120 children |
| Gross Floor Area (GFA) | 315,917 sq. ft. | 315,917 sq. ft. |

Required Parking and Loading:

| | |
|--|------------|
| Mosque/Convent Monastery/Turkish Bath | 225 |
| Mosque Cultural Center | 6 |
| Mosque Fellowship Hall/Day Care Center | 15 |
| Total Parking Required: | 246 |
| Total Parking Provided: | 301 |

Loading Spaces Required: 2

Loading Spaces Provided: 2

Minimum Outdoor Play Area Required per Section 27-464.02 of the Zoning Ordinance:
 120 children x 75 square feet equals 9,000 square feet* at 50 percent of enrollment number that results in 4,500 square feet of the required play area

Enclosed Play Area Provided: 5,604 square feet

*It should be noted that the 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 60 children will be permitted to utilize the play area at one time. Therefore, the total required outdoor play area is 75 times 60 (half of the enrollment, rounded up), or 4,500 square feet. The applicant has met and exceeded this requirement by providing a play area measuring 5,604 square feet.

3. **Location:** The subject property is located on the north side of Good Luck Road, approximately 3,200 feet southwest of its intersection with Greenbelt Road (MD 193).
4. **Surrounding Uses:** The subject property is located on the north side of Good Luck Road, approximately 3,200 feet west of its intersection with MD 193. To the west, across 97th Avenue, is the existing Good Luck Heights subdivision and to the north is the existing Fitton's Addition to Good Luck Heights subdivision, both zoned R-80 and developed with single-family detached dwellings. To the east across Good Luck Road, is the existing Rutledge subdivision developed with single-family detached dwellings in the One-Family Detached Residential (R-55) Zone.
5. **Previous Approvals:** The 2010 *Glenn Dale Seabrook-Lanham and Vicinity Approved Sector Plan and Sectional Map Amendment* retained the property in the R-80 Zone. The site has a previously approved Preliminary Plan of Subdivision 4-10006. The site also has an approved Stormwater Management Concept Plan Number 21650-2017-00, which is valid through May 22, 2020.
6. **Design Features:** The property is a triangular shaped parcel, which was previously subdivided into 1 Parcel and 10 residential lots. The property is accessed directly from Good Luck Road. The property is currently developed with 10 single-family residences; a 301-space underground parking area; and a multi-story, 315,917-square-foot building that houses a mosque, cultural center, Turkish bath, convent, and monastery, fellowship hall/day care center. The 11,827 square feet of gross floor area fellowship hall will house the proposed day care center operation. The 5,604-square-foot play area surrounded by a six-foot-tall fence will be located at the rear of the property. A four-foot-wide walkway provides safe passage for the children to the play area, which is located at the northwest corner of the property.

CONFORMANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject project was reviewed against the relevant requirements of the Zoning Ordinance as follows:
 - a. With respect to Section 27-441(b), Table of Uses, the proposed day care center for children is a permitted use in the R-80 Zone.

- b. 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:

Section 27-445.03(a), Day care center for children

(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 Turkish American Community Center Day Care is 120 children. Therefore, the required play area for 50 percent of the licensed capacity is 4,500 square feet. As the outdoor play area indicated on the DSP measures 5,604 square feet, which 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 is located on the same lot as the day care center, at least 25 feet from any dwelling unit, and is to be enclosed by a six-foot-tall gated fence.

- (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 six-foot-tall gated fence will enclose the proposed play area. The subject outdoor play area is located on the same parcel as the day care center, at least 25 feet from any dwelling unit.

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

An integral shade structure and a shade canopy are provided at the outdoor playground area that should provide sufficient shade for the children playing in the designated area during the warmer months of the year, in accordance with this requirement.

- (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 only.

- (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 will be limited to the daylight hours that are between the range as specified in 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 below:

(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.**

Should the subject site plan be approved as recommended and in accordance with this requirement, it may be said that 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.**

The site plan indicates that the maximum number of children to be included in the day care will be 120, in accordance with Subpart (i) of the above requirement. A note should be added to the site plan specifically stating that the maximum enrollment is limited to 120 children. The site plan indicates the adjacent 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 application conforms to this requirement.

- c. **Site Design Guidelines:** The DSP is in conformance with the applicable site design guidelines contained in Section 27-274 and is cross-referenced in Section 27-283 of the Zoning Ordinance. Many of the design guidelines do not apply since the subject property, its improvements, and use as an institutional type facility are existing and there are no proposed changes to the existing site and building with this DSP. However, the existing development does conform to various site design guidelines, such as by providing pedestrian access into the site from the public right-of-way and preserving green areas on the property.
8. **Preliminary Plan of Subdivision 4-10006:** Preliminary Plan of Subdivision 4-10006 was approved with 20 conditions. The following conditions are applicable to this DSP:
3. **Development of this site shall be in conformance with the Stormwater Management Concept Plan, 17244-2010-00 and any subsequent revisions.**

The applicant has provided a revised Stormwater Management Concept Plan, 17244-2010-00, which expires May 22, 2020.

5. **The applicant and the applicant's heirs, successors and/or assignees shall:**
 - a. **Construct an eight-foot-wide sidepath within the right-of-way along the properties entire street frontage of Good Luck Road. This sidepath shall have a green space separation from the travel lanes of Good Luck Road, approximately two to three feet wide, unless modified by the Department of Public Works and Transportation (DPW&T).**
 - b. **Construct a five-foot-wide sidewalk within the right-of-way along the properties entire street frontage of 97th Avenue, which will connect to the sidepath on Good Luck Road, unless modified by DPW&T.**

The site has been improved in accordance with the previously-approved plan, and this condition has been satisfied.

6. **An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.**

This application is for a day care facility located in the existing building (fellowship hall). The applicant has worked with the Prince George's County Fire/EMS Department to satisfy this condition.

8. **Any residential development of Parcel A may require the approval of a new preliminary plan of subdivision prior to the approval of building permits for the residential additions.**

There is no residential development being proposed. This application is for a child care facility located within the existing building. A new preliminary plan of subdivision is not required at this time.

12. **Total development of the overall site shall be limited to uses that would generate no more than 223 AM and 211 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.**

The proposal for the child care facility is within the previously approved trip cap.

13. **The applicant, his heir's successors and or assigns shall provide within the frontage of the site along Good Luck Road, adequate turning lanes shall be provided and parking shall be restricted along the north/west side of the roadway, in accordance with DPW&T standards and requirements.**

This condition has been fulfilled.

14. **The applicant, his heir's successors and or assignees shall address the appropriate end treatments of Luria Lane and Anita Lane in accordance with DPW&T requirements. The plan shall not utilize these streets for access to Parcel A, and no further dedication on the subject site is required for these stub streets.**

This condition has been fulfilled.

9. **2010 Prince George's County Landscape Manual:** Per Section 1.1, Applicability, of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), the subject property is exempt from the requirements of the Landscape Manual because the addition of a day care center does not involve an increase of gross floor area of the existing building, nor a change of use from a

lower to higher intensity, nor an increase in impervious surface. Therefore, the subject site is exempt from Sections 4.2, 4.3, 4.6, 4.7, 4.9. and 4.10 of the Landscape Manual.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The subject project proposed no changes to the previously-approved tree conservation plan.
11. **Prince George's County Tree Canopy Coverage Ordinance:** The subject project is exempt from the requirements of the Tree Canopy Coverage Ordinance because this DSP does not involve in excess of 5,000 square feet of land disturbance, nor an increase of the gross floor area of the existing building.
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**—This application is consistent with the Plan Prince George's 2035 Approved Plan policies for Established Communities. 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 2025 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. This application conforms with the residential land use recommendation of the 2010 *Approved Glenn Dale-Seabrook-Lanham and Vicinity Sector Plan and Sectional Map Amendment* that is implemented with residential zoning that allows a day care center is an allowed use. The requested use raises no substantive comprehensive planning issues
 - b. **Transportation**—The site is adjacent to Good Luck Road, which is a master plan collector facility. A sufficient right-of-way of 40 feet from centerline was dedicated by the plat. The day care center, which will be in one of the existing buildings on the site, is expected to generate 96 AM and 99 PM peak-hour trips. A portion of these, 65 percent, are assumed to be pass-by trips (vehicles already using the adjacent streets). With pass-by trips factored in, the site would generate 34 AM and 34 PM new peak-hour trips.

Access to the site will be provided by a driveway from Good Luck Road. Although, neither the plan nor the statement of justification makes this clear, it would be anticipated that persons using the day care would enter the parking garage in the morning, park around the day care facility, and drop the students there, where they would be escorted upstairs to the day care center. This process would work in reverse in the afternoon. Access is acceptable and meets all standards and requirements. It should be noted that the underground parking garage connects and provides access to all buildings on the site.

As noted above, there is an approved subdivision plan (Preliminary Plan 4-10006) for the site. There are several transportation-related conditions, and the status of each condition is summarized below:

Condition 10—This condition establishes dedication along Good Luck Road. The needed right-of-way was dedicated at the time of record plat.

Condition 11—This condition specifies off-site transportation improvements at MD 193 and Good Luck Road. These improvements have been constructed.

Condition 12—This condition establishes an overall trip cap for the subject property of 223 AM and 211 PM peak-hour trips. The current plan (proposed plus existing uses) is limited to uses which would generate 749 AM and 328 PM peak hour trips. It is determined that the current proposal plus prior approved development is within the overall trip cap.

Condition 13—This condition requires the provision of adequate turning lanes along the frontage and restricted parking along the north/west side of Good Luck Road in accordance with DPW&T standards and requirements. The condition has been completed to Prince George's County specifications.

Condition 14—This condition requires appropriate end treatments of Luria Lane and Anita Lane in accordance with DPW&T requirements and further requires these streets not to be used for access to Parcel A. The condition has been completed to Prince George's County specifications, and neither street is used for access to the site.

Condition 15—This condition requires the final plat to note that direct vehicular access to Parcel A shall be restricted to Good Luck Road and the denial of access to Luria Lane, Anita Lane, and 97th Avenue. This has been done, and access to Parcel A is restricted as noted.

Regarding Condition 12, the finding and trip cap in 2010 were based on 130,000 square feet, and the current plan shows approximately 160,000 square feet (exclusive of the parking garage). The following are noted:

- (1) Nearly one-half of the space included within the sanctuary, or approximately 11,000 square feet, is outdoor space which should not be counted within the total.
- (2) It was agreed when the preliminary plan was reviewed that approximately 19,000 square feet within the Turkish Bath was ritual space associated with the mosque that would not be counted within the trip generation computations.
- (3) The convent/monastery was constructed to include space for the day care facility. The trip generation analysis done in 2010 assumed that the day care would generate 90 AM and 91 PM off-site (new) trips. As noted earlier in this memorandum, the proposed day care would generate 34 AM and 34 PM new peak-hour trips.

Therefore, it is determined that the day care center would operate within the trip cap established by Condition 12 in the resolution approving PPS 4-10006. Overall, from the standpoint of Transportation Planning, it is determined that this plan is acceptable and meets the finding required for a DSP as described in the Zoning Ordinance.

- c. **Subdivision**—This is a legal platted parcel. Bearings and distances on the DSP are consistent with those shown on plat MMB 236-29. All bearings and distances must be clearly shown on the DSP and must be consistent with the record plat, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues.
- d. **Permit Review**—The site plan should be revised to correct Play Equipment “B” and a shade structure is located outside of the fenced-in play area. If these are part of the outdoor play area, they must be enclosed by a wall or fence at least four feet in height per Section 27-445.03(a)(1)(A)(ii) of the Zoning Ordinance. It also appears that the fenced-in play area does not scale 5,604 square feet as indicated on the site plan. This must be verified. The gross floor area devoted to the proposed day care center should be provided on the site plan.

The proposed play area exceeds the requirement.

- e. **Environmental Planning**—The southernmost proposed concrete walkway is sharply angled resulting in the walkway being situated unnecessarily close against the edge of Reforestation Area 2 on the Type 2 tree conservation plan (TCP2). This walkway should be redesigned so the walkway is less angled and more rounded, allowing for greater distance between the proposed walkway and Reforestation Area 2. The TCP2 should be revised to incorporate all proposed design elements associated with this DSP, expanding the limit of disturbance as necessary.
- f. **Prince George’s County Fire/EMS Department**—In a memorandum dated June 12, 2017, the Fire/EMS Department provided the following comments:

Critical response is within the approved guidelines. The applicant shall apply for designations of fire lanes for this facility.
- g. **Maryland Department of Human Resources**—The Office of Child Care (OCC) did not provide comment on this DSP.
- h. **Prince George’s County Health Department**—In a memorandum dated July 17, 2017, the Health Department provided the following comments:

The Environmental Engineering/Policy Program of the Health Department has completed a health impact assessment review of the DSP submission for the Turkish American Community Center Day Care and has the following comments/recommendations:

- (1) The Child Daycare center must submit a request with the Maryland State Department of Education (MSDE) to obtain a license through the Office of Child Care (OCC) to operate as a child care facility.

A referral was sent to the OCC and no comment was received.

- (2) The facility must meet all applicable building, health and sanitation requirements regulated under the Code of Maryland Regulations (COMAR) 13A.16 and 13A.17.
- (3) There are no existing carry-out/convenience stores food facilities or grocery stores markets within a one-half-mile radius of this site. The reviewer appreciates the presence of a vegetable garden in the design scheme. The applicant would be encouraged to prepare nutritional meals for their students to help fill the gap in access to healthy food choices and to help reduce the prevalence of obesity in the community.

This information has been transmitted to the applicant.

- (4) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A site plan note has been required to be provided on the site plan.

- (5) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

A site plan note has been required to be provided on the site plan

- i. **Prince George's County Police Department**—The Police Department did not provide comment on the subject DSP.
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 requires that a DSP demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible if environmental features exist. In this case, the property is devoid of any environmental features.

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 Detailed Site Plan DSP-17004 for the above described land, subject to the following condition:

1. Prior to certification of this detailed site plan, the applicant shall make the following revisions to the plans and submit the following documentation:
 - a. Add a note to the site plan stating that the maximum day care center enrollment is limited to 120 children.
 - b. Add the gross floor area for the fellowship hall/day care center (11,827 square feet) to General Note 26.
 - c. Redesign the southernmost proposed concrete walkway, so the walkway is less angled and more rounded allowing for greater distance between the proposed walkway and Reforestation Area 2.
 - d. Label the 35-foot-wide building restriction line to match the record plat along the frontage of Cedar Lane.
 - e. Provide the site plan notes as follows:

“During the demolition and construction phases, this project will conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.”

“During the demolition and construction phases, this project will conform to construction activity noise control requirements as specified in the Code of Maryland Regulations (COMAR).”

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner, and Bailey voting in favor of the motion, with Commissioner Hewlett recused, and with Commissioner Washington absent at its regular meeting held on Thursday, September 21, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of October 2017.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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