

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed ROSP-SE-3261/01, Our Savior Luthern Church of Laurel, requesting a minor change to a private school for children in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on November 6, 2003, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located on the east side of Laurel-Bowie Road, just south of Briarcroft Lane. The site is three acres out of a larger 4.3-acre assemblage of parcels. It is developed with a church, accessed from Laurel-Bowie Road via a single, 30-foot-wide driveway.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-80 & R-R	R-80 & R-R
Use(s)	Church, Nursery School	Church, Church Addition, Nursery School, Day Care
Acreage	3± acres	3± acres
Square Footage/GFA	14,230	34,830
Dwelling Units:	0	0

- C. **History:** The 1990 *Sectional Map Amendment (SMA) for Subregion I* placed three acres of the site in the R-80 Zone, while retaining the R-R Zone along the northern third of the overall property. The District Council approved Special Exception No. 3261 for a private educational institution (nursery school) for up to 30 children on September 1, 1981. There were no conditions of approval.
- D. **Master Plan Recommendation:** The 1990 Subregion I Master Plan recommends a public/quasi-public use for the site. The 2002 General Plan locates the site in the Developing Tier.
- E. **Request:** The applicant seeks to relocate a previously approved nursery school from the existing church building into a newly proposed church addition, to be built partially on the subject property and on vacant land to the north. The applicant is also seeking permission to establish a day care center for children in the new addition, which is the subject of Detailed Site Plan Application No. 03042.
- F. **Surrounding Uses:** The subject property is surrounded by the following uses:

North— Undeveloped land proposed for a church addition, beyond which is a commuter parking lot in the R-R and R-80 Zones, respectively.

East— Single-family residences in the R-R Zone.

South— Single-family residences in the R-R Zone.

West— Across MD 197 is a shopping center in the C-S-C Zone.

G. Minor Change Provisions: Section 27-325(b) - Minor Changes to Special Exception Site Plans:

(b) Minor changes, Planning Board.

(1) The Planning Board is authorized to approve the following minor changes:

- (A) An increase of no more than fifteen percent (15%) in the gross floor area of a building;**
- (B) An increase of no more than fifteen percent (15%) in the land area covered by a structure other than a building;**
- (C) The redesign of parking or loading areas; or**
- (D) The redesign of a landscape plan.**

Finding: There is no additional square footage proposed for the special exception use. The nursery school will occupy the same amount of space (two classrooms) in the church addition as it did in the church building and will have the same enrollment and hours. The church addition is permitted on the site by right. The proposed day care center is the subject of a separate application (DSP-03042).

H. Specific Special Exception Requirements: Section 27-396 - Private School:

(b) A private school which offers a partial or complete program of elementary school (including kindergarten) or nursery school may be permitted, subject to the following:

- (1) The 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;**

Finding: The District Council approved a maximum enrollment of 30 children for each of two sessions, Tuesday and Thursday from 9:00-11:00; and Monday, Wednesday and Thursday from 9:00-11:00. The applicant is not proposing any change to the enrollment or hours.

- (2) An outdoor play area shall be provided, which shall have a usable space of at**

least one hundred (100) square feet per child. This area 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 three (3) feet high;

Finding: The site plan shows a play area consisting of 3,648 square feet, which exceeds the required 3,000 square feet for the 30-child enrollment. It is 73± feet from the nearest dwelling, a single-family dwelling to the south. It is surrounded by a four-foot-high, chain-link fence.

- (3) No private school, other than a nursery school, shall be located in any multifamily dwelling or in any building of a multifamily project;**

Finding: The nursery school is to be located in the proposed church addition, not in a multifamily dwelling.

- (4) In the C-W, C-M, I-1, I-2, and I-4 Zones, 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.**

Finding: The site is located in the R-R and R-80 Zones.

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

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

Finding: The site plan shows this information.

- (d) Any private school which has, on or before the effective date of this Ordinance, fully complied with the provisions of this Subtitle in effect at that time shall not be required to meet the requirements of this Section, provided that the school has not been expanded, or the use changed, since that time. Any expansion or change shall be governed by the provisions of this Section, or of Sections 27-443, 27-463, or 27-541.**
- (e) For the purposes of this Section, enrollment shall mean the total number of students enrolled in the school at any one time. If there are separate morning, afternoon, and evening sessions, each one of which is attended by different students, enrollment shall mean the number of students enrolled in the session having the largest number of**

students.

- I. **Parking Regulations:** The mix of uses proposed for the site requires 162 parking spaces. The site plan shows a total of 191 parking spaces, 46 of which are provided on an adjoining fringe commuter lot owned by the Parking Authority, which has provided written authority in accordance with Section 27-586. One required loading space is shown.
- J. **Landscape Manual Requirements:** The revised landscape plan submitted by the applicant shows landscaping in accordance with the requirements of the *Landscape Manual*.
- K. **Zone Standards:** The development proposal meets the requirements of the R-R and R-80 Zones.
- L. **Sign Regulations:** The site plan shows a ground-mounted monument sign 48 square feet in area, which meets the size, height and location requirements for a sign serving an institutional use.
- M. **Other Issues:** The site plan shows the dumpster pad to be directly adjacent to the play area for children. This is not acceptable. The dumpster must be relocated elsewhere on the site. Also, the State Highway Administration, in their referral dated September 4, 2003, suggests that the existing driveway along MD 197 needs to be modified to a right-in, right-out directional driveway. In addition, they note that any landscaping within the right-of-way for MD 197 must not impede driver sight distances for egress onto the highway.
- N. **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 Map 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.**
- (6) **The proposed site plan is in conformance with an approved Tree Conservation Plan.**

Finding: The District Council, in its 1981 special exception review of the existing nursery school (SE-3261), found the use and site plan met and satisfied all of the provisions of Section 27-317. The proposed revisions, namely, the relocation of the school to the new addition, does not increase the intensity of the special exception use. It is, therefore, reasonable to conclude that the proposed use will continue to be in harmony with the purposes of the Zoning Ordinance and that all of the criteria set forth in Section 27-317 are satisfied.

If the proposed site plan revisions are made, the proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance. The use and the proposed relocation will not impair the integrity of the 1990 Subregion I Master Plan, which recommends a public/quasi-public use for the site. This use has operated at this site for more than 20 years without causing any apparent adverse impact on the health, safety or welfare of residents or workers in the area. The proposed changes will not be detrimental to the use or development of adjacent properties that are currently improved with retail and service-commercial uses. Finally, the site has a recent conditionally approved TCP1 (TCP1/148/03), which must be corrected and submitted for signature approval.

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 above-noted application, subject to the following conditions:

1. Prior to plan certification and the issuance of permits, the site and landscape plans shall be revised to relocate the trash storage area away from the play area.
2. Prior to plan certification and the issuance of permits, the tree conservation plan (TCPI/148/03) shall be corrected and signature approval obtained from the Environmental Planning Section of M-NCPPC.
3. The existing driveway on MD 197 shall be modified to a right-in/right-out directional driveway, unless the State Highway Administration indicates that an alternative design is acceptable.
4. A note shall be placed on the site plan that the landscape plantings shall be consistent with the State Highway Administration's Office of Environmental Design guidelines and not impede driver sight distances for egress onto the highway.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County, Maryland within thirty (30) days of 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 Harley, seconded by Commissioner Vaughns, with Commissioners Harley, Vaughns, Eley and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, November 6, 2003, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 6th day of November 2003.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:TL:rmk

(Revised 8/9/01)