



MAJOR REVISION TO SPECIAL EXCEPTION NO. 3230/1

Application	General Data
Project Name: College Park Nursery School and Kindergarten Location Northwest corner of College Avenue and Princeton Avenue, known as 4512 College Avenue Applicant/Address Ms. Joan Sicher College Park Nursery School 4512 College Avenue College Park, Maryland 20740 Correspondent Ellen O'Neill c/o 4610 Drexel Road College Park, MD 20740	Date Accepted 11/5/02
	Planning Board Action Limit N/A
	Tax Map & Grid 33/C-4
	Plan Acreage 2.53
	Zone R-55 and R-55 (DDO)
	Dwelling Units N/A
	Square Footage 2,576 sf
	Planning Area 66
	Council District 03
	Municipality College Park
	200-Scale Base Map 209NE04

Purpose of Application	Notice Dates: <i>Elsabett Tesfaye</i>
Increase of enrollment from 20 to 36 children	Adjoining Property Owners 11/6/02 (CB-15-1998)
	Previous Parties of Record 5/20/02 (CB-13-1997)
	Sign(s) Posted on Site N/A
	Variance(s): Adjoining Property Owners N/A

Staff Recommendation			Staff Reviewer: Elsabett Tesfaye
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

December 31, 2002

TECHNICAL STAFF REPORT:

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

VIA: Arie Stouten, Zoning Supervisor

FROM: Elsabett Tesfaye, Senior Planner

SUBJECT: **Major Revision of Site Plan for Special Exception No. 3230/1**

REQUEST: **Private School in R-55 and R-55 (DDO) Zones**

RECOMMENDATION: **APPROVAL with Conditions**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. 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 sent to the Office of the Zoning Hearing Examiner at the address indicated above. 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 property is located at the northwest corner of the intersection of College Avenue and Princeton Avenue. The property is made up of 11 lots with a combined area of approximately 2.53 acres (110,000 square feet). The property is improved with a 15,180-square-foot building that houses a church, parish hall and a private school, a one-story rectory with a detached garage, a vacant one-story dwelling, and a parking area with 55 spaces. There are also two small sheds located on the northernmost portion of the property.

B. **Development Data:**

Indicator	Existing	Proposed
Zoning	R-55 and R-55 (DDO)	R-55 and R-55 (DDO)
Use	Private school (ages 2-6 years)	Private school (ages 2-6 years)
No. of students	20	36
Outdoor play area	2,000 square feet	3,604 square feet
Residential unit	1 unit (1,850 square feet)	1 unit (1,850 square feet)
Parking spaces-on-site	55	55
Parking spaces-off-site	23	23

- C. **History:** Special Exception 3230 was approved in 1981 to permit a private school for 20 children. The 1990 *Sectional Map Amendment for Langley Park, College Park and Greenbelt* retained the existing R-55 Zone for the subject property. The 2002 *Approved Sectional Map Amendment for College Park US 1 Corridor* places a small portion of the property (Lot 10) in the R-55 (DDO) Zone.
- D. **Master Plan Recommendation:** The 1989 *Master Plan for Langley Park, College Park and Greenbelt* designates most of the property for public/quasi-public land use in recognition of the existing uses. The 2002 *Approved College Park US 1 Corridor Sector Plan* recommends residential use for Lot 10.

The property is located within the College Park Historic District as identified in the 1992 *Approved Prince George's County Historic Sites and District Master Plan*.

- E. **Request:** The applicant proposes to increase the enrollment from 20 to 36 children. The proposal also includes expansion of the outdoor play area from 2,000 square feet to 3,604 square feet and replacement of the existing three-foot-high chain-link fence that encloses the play area with a four-foot-high chain-link fence.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is generally defined by the following boundaries:

North and Northeast:	Paint Brunch Parkway
East:	Paint Brunch Parkway and CSX Railroad tracks
South:	Calvert Road
West:	Baltimore Avenue (US 1)

A mixture of institutional, residential and retail-commercial uses in the M-U-I and R-55 Zones characterizes the immediate area surrounding the site. A one-story building used for institutional purposes and a one-story residential dwelling, both in the R-55 (DDO) Zone, abut the site to the north. To the west of the property, across Yale Avenue, is the Maryland Book Exchange in the M-U-I Zone. A single-family detached dwelling is located to the south, across College Avenue, in the R-55 Zone, and residential uses in the R-55 and R-18 Zones are located to the east, across Princeton Avenue.

The property is located in the vicinity of the College Park Airport and is within Airport Aviation Policy Area (APA) 6. A note must be placed on the site plan indicating the property's location within the APA.

G. Major Changes: *Section 27-324(a)* of the Zoning Ordinance indicates that 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.

The subject private school currently operates two mornings and one afternoon class with a maximum of 10 children per class. The applicant indicated, as a cooperative school with a half-day kindergarten, the school fulfills the needs of its students and their families. The applicant contends that in order to maintain the facility and to provide a decent salary for the three professional teachers, the school must increase the number of children to 12 per class and must add a third class to the morning schedule, bringing the total number of children served at any one time to 36. Failure to reach these enrollment goals could require the applicant to either severely curtail the hours and quality of our program, or ultimately shut down the school completely. The applicant further indicated that at its current capacity of 10, the kindergarten program now has a waiting list.

In addition, *Section 27-107.01(84)* defines enlargement or extension as alterations which increase the usable area of a "Building," "Structure," or other improvement, or "Use" (including the addition of any new "Structure" or other improvement). Modifications such as the addition of cupolas, windows, or "Canopies," which do not increase the usable square footage of a "Building" or "Structure," or which do not expand the occupied usable land area of the "Lot," shall not be considered an "Enlargement or Extension."

The applicant proposes the following revisions to the site plan:

- a. Increase the number of children attending the private school (both morning and afternoon sessions) from 20 to 36.
- b. Replace the existing three-foot-high fence enclosing the outdoor play area with a four-foot-high fence.
- c. Increase the size of the outdoor area from 2,000 square feet to 3,604 square feet.

These proposed revisions do not increase the usable area of a building or other improvement. In addition, they do not expand the occupied usable land area of the lot or property.

H. Specific Special Exception Requirements: *Section 27-396* sets forth the following specific requirements:

- (b) **A private school that 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.**

The applicant proposes to increase the number of children enrolled in the existing private school from 20 to 36. The school will have a morning and an afternoon session with each session consisting of three classes.

***Section 27-396 (e)* specifies that, 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.**

The three classes in both sessions will have 12 students each. The applicant indicated that students may not enroll in both afternoon and morning sessions.

- (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.**

Based on the proposed capacity of the school (36 children), a play area of 3,600 square feet is required ($36 \times 100 = 3,600$). The site plan provides for 3,604 square feet of play area. The applicant shall revise Note No. 8 of the General Notes to delete the reference to "50 percent of capacity." Also, the reference to an "outlot" play area should be changed to read "outdoor play area."

The outdoor play area is located approximately 40 feet from the dwelling on the subject property to the east of the play area. It is also located approximately 65 feet from the closest dwelling on the adjoining property to the north. A 64-square-foot frame shed is located within the play area. The applicant indicated that the shed is used to store play equipment.

A driveway and a parking lot exist between the school building and the proposed outdoor play area. The site plan should be revised to delineate a walking route, including a formal crosswalk painted on the driveway, between the classroom and the outdoor play area.

An existing shade tree that is located on the southern portion of the outdoor play area is not depicted on the site/landscape plan. The plan needs to be revised to show the tree.

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

The subject property is developed with a church and the private school is located in the church building. No multifamily use is located on the property.

- (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.**

The property is zoned R-55 and R-55 (DDO), therefore; this requirement is not applicable.

(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.**
- (4) **The location and size of outdoor play (or activity) areas.**

The proposed site/landscape plan provides for all of these items. However, the General Notes on the site plan need to be revised to reflect the following:

1. *Note No. 3:* Lot 10 is classified in the R-55 (DDO) Zone, and the remainder of the property is classified in the R-55 Zone.
2. *Note No. 6:* Replace the reference to “Daycare Building Area” with “private school building.”
3. *Note No. 8:* Replace the reference to “outlot play area” with “outdoor play area.” Also, provide the correct calculation for the required outdoor play area.

I. **Parking Regulations:** Pursuant to *Section 27-568*, **a private school which offers instructions at levels below 10th grade (including nursery school and kindergarten) is required to provide one parking space for every six students.**

The proposed day care will have a maximum enrollment of 36 children. A total of six parking spaces are required $(36/6=6)$. In addition, 34 spaces are required for the existing church that was constructed in the early 1900s, and two parking spaces are required for the existing residential property. The site plan provides a total of 55 on-site parking spaces, including two handicap spaces. The parking schedule must be revised to include the number of seats in the church and the number of children in the school.

The 55 on-site parking spaces satisfy the parking requirement for all uses on the subject property. The applicant also has indicated that the church has a lease agreement with the City of College Park for the use of 23 parking spaces that are located on the Maryland Book Exchange property across the street (west) from the subject property.

The church building predates the current loading requirements; therefore, no loading space is required.

- J. **Landscape Manual Requirements:** *Section 27-328.02* exempts the proposal from compliance with the general landscaping, buffering and screening requirements of the *Landscape Manual* because the proposal does not involve the construction, enlargement or extension of a building.
- K. **Zone Standards:** The site plan conforms to all other development standards of the R-55 and R-55 (DDO) Zones. However, it should be noted that the proposed fence is exempt from DDO provisions for legally existing uses. Furthermore, no other changes are proposed on the R-55 (DDO) portion of the property.
- L. **Sign Regulations:** The site plan shows an existing freestanding sign located on the southeastern corner of the property. A note on the site plan indicates that the proposed sign will have a total area of 12 square feet (three feet by four feet) and a height of six feet. The sign meets all area, height and setback standards as required by *Section 27-617* for institutional uses.
- M. **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.

The fundamental purposes of the Zoning Ordinance, as found in *Section 27-102*, are to protect the health, safety and welfare of the public and promote compatible relationships between the various land uses. Review of the applicant's site plan for conformance with the requirements of the Ordinance indicates no potential for adversely affecting these fundamental purposes.

The proposed revisions result in an increase from 20 to 36 children attending the private school. The revisions also increase the outdoor play area to accommodate the increased enrollment, and the height of the fence surrounding the play area is increased from three to four feet tall. The revisions will not change the footprint and/or gross floor area of the existing buildings that were approved in SE-3032. Moreover, the revisions will not reduce the number of parking spaces. The proposed revisions are needed for good cause, and they do not alter the Council's previous finding of conformance with the requirement.

(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.

The overwhelming majority of the subject property is located in the R-55 Zone, which permits the proposed consolidated private school as a special exception. Only Lot 10 is located in the R-55 (DDO) Zone, and the proposed fencing change on this portion of the site is exempt from the overlay requirements. With the recommended conditions the use will conform to all 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.

The proposed revisions will not result in substantial impairment of the 1989 *Master Plan for Langley Park, College Park and Greenbelt*, which recommends the subject property for public/quasi-public land use. The Community Planning Division has indicated that the proposed revisions do not raise any master plan issues, and that there is no impediment to the 2002 College Park US 1 Corridor Sector 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.**

The proposed increase in the number of students, expansion of the play area, and the replacement of the fence will not adversely affect the health, safety or welfare of residents or workers in the area, and there is no indication that it would be detrimental to the use or development of adjacent properties or the general neighborhood. The subject private school provided a needed service in the community for over 20 years without apparent negative impacts to the neighborhood.

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

The property is exempt from the requirements of the Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland, and it does not have a previously approved Tree Conservation Plan. The Environmental Planning Section has indicated that a Tree Conservation Plan is not required, and that a Letter of Exemption, dated October 22, 2002 was issued.

CONCLUSION:

The proposed revision of the site plan is required for good cause, and it will not be detrimental to the use or development of adjacent properties or the general neighborhood. Furthermore, it does not alter any of the Council's findings in the original application. Based on the preceding analysis and findings, it is recommended that **ROSP SE-3230/1 (Major Change)** be **APPROVED**, subject to the following conditions:

1. Prior to the issuance of permits, the site/landscape plan shall be revised to include the following:
 - a. A note indicating that the property is located within the Airport Aviation Policy Area (APA) 6.
 - b. Revise Note No. 8 to indicate:

Outdoor Play Area:
Required: 100 square feet per child = 3,600 square feet
Provided: 100.11 square feet per child = 3,604 square feet
 - c. Revise Note No. 3 to indicate:

Lot 10: R-55 (DDO) Zone
Remainder: R-55 Zone
 - d. Revise Note No. 6 to replace the reference to "Daycare Building Area" with "private school building area."
 - e. Revise the parking schedule to include the number of seats in the church (not to exceed 200) and the total number of students at 36.

- f. Delineate a walking route for the children between the classroom and the outdoor play area, including a formal crosswalk painted on the driveway.
- g. Delineate the existing shade tree that is located on the southern portion of the outdoor play area.