



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

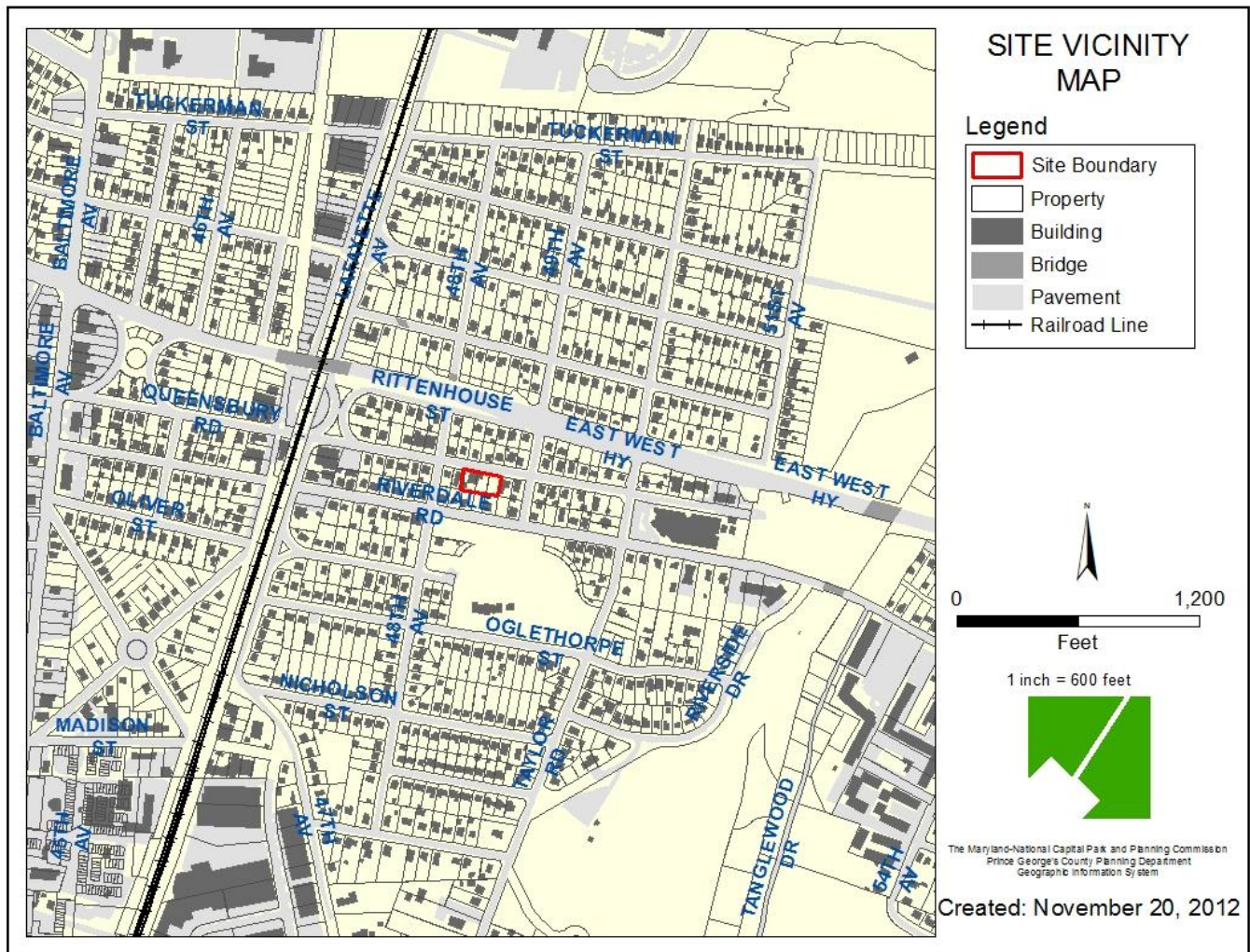
Revision of Site Plan

ROSP-3473-01

Application	General Data	
Project Name: Little Workers of Sacred Hearts Nursery Location: Located along the south side of Queensbury Road, approximately 130 feet west of 49th Avenue, and 120 feet east of 48th Avenue. Applicant/Address: Little Workers of Sacred Hearts Convent, Inc. 4805 Queensbury Road Riverdale, MD 20737 Property Owner: Same as applicant	Planning Board Hearing Date:	03/07/13
	Staff Report Date:	02/20/13
	Date Accepted:	11/19/12
	Planning Board Action Limit:	N/A
	Plan Acreage:	0.44 acre
	Zone:	R-55
	Gross Floor Area:	3,171 sq. ft.
	Lots:	4
	Parcels:	N/A
	Planning Area:	68
	Tier:	Developed
	Council District:	03
	Election District	19
	Municipality:	Riverdale Park
	200-Scale Base Map:	207NE04

Purpose of Application	Notice Dates	
A major revision to increase enrollment from 25 to 30 students, add a 752-square-foot building addition, add a semi-circular driveway, remove and replace a portion of an existing fence, add landscaping, and modifications for ADA accessibility. Variance from Section 27-442(e) of the Zoning Ordinance.	Informational Mailing:	06/11/12
	Acceptance Mailing:	11/15/12
	Sign Posting Deadline:	N/A

Staff Recommendation		Staff Reviewer: John Ferrante Phone Number: 301-952-3665 E-mail: John.Ferrante@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 Zoning Hearing Examiner
The Prince George's County District Council

VIA: Jimi Jones, Zoning Supervisor, Development Review Division

FROM: John Ferrante, Senior Planner, Zoning Section, Development Review Division

SUBJECT: **A Major Revision of Site Plan Application No. ROSP-3473-01, Little Workers of Sacred Hearts Nursery**

REQUEST: To increase enrollment from 25 to 30 students, add a 752-square-foot building addition, add a semi-circular driveway, remove and replace a portion of an existing fence, add landscaping, and modifications for ADA accessibility, including a wheelchair lift and a van-accessible parking space.

A variance is requested from Section 27-442(e) of the Zoning Ordinance to waive 12.5 feet of the required 25-foot setback from the front street line in order to validate existing conditions.

RECOMMENDATION: **Approval with Conditions**

NOTE:

The Planning Board has scheduled this application to be reviewed on the agenda date of March 7, 2013. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

FINDINGS

- A. **Location and Field Inspection:** The property is known as Lots 3 through 5, Block 42, and consists of 19,166 square feet. The site is situated within Planning Area 68 within the Town of Riverdale Park. The property is located along the south side of Queensbury Road, approximately 130 feet west of 49th Avenue, and 120 feet east of 48th Avenue.

The property is developed with a two-story, detached, single-family dwelling that was originally built in 1910 and is currently used as a convent and a day care center. A macadam driveway, which serves as the parking compound, and a detached two-car garage are located on the northwest side of the property, while an open field grass area is located on the southwest side of the property.

The property is enclosed by a four-foot-high chain-link fence along the back and sides of the property, and a 30-inch-high stone wall with four-foot-high wrought iron gates along the front of the property. A four-foot-wide concrete sidewalk is located across the entire street frontage of Queensbury Road.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-55	R-55
Use(s)	Day Care Center with up to 25 Children & Convent	Day Care Center with up to 30 Children & Convent
Acreage	0.44	0.44
Square Footage/GFA	2,419	3,171 (752 New)

- C. **History:** The following provides a partial list of permits or approvals that may have impacted or altered the approved site plan for the property, or that specifically relate to the subject application:

1910—	Per information derived from the Maryland Department of Assessments and Taxation, the property was initially developed with a two-story, detached, single-family dwelling.
September 1930—	Final Plat A@39 was recorded for the property.
February 15, 1956—	Special Exception Application No. SE-272 was approved for a day care center in the R-55 (One-Family Detached Residential) Zone.
July 20, 1983—	Appeal No. 6835 was approved by the Board of Zoning Appeals to waive 10 feet of the required 25-foot front yard setback in order to validate the location of the existing dwelling and construct a building addition on the side of existing dwelling for the Little Sisters of the Sacred Heart Congregation, Inc.
August 1, 1983—	The Riverdale Town Council, at their regular meeting, voted to recommend approval of Special Exception Application No. SE-3473 for a day care center.

- March 14, 1984—** A Declaration of Finality was issued by the District Council for Special Exception Application No. SE-3473, therefore adopting the Zoning Hearing Examiner's prior decision of approval for a 500-square-foot building addition for a chapel and a parking modification to an existing day care center with up to 25 students.
- March 5, 2012—** The Riverdale Park Town Council approved two new curb cuts that are proposed on Queensbury Road for the proposed semi-circular driveway that is shown on the subject special exception application.
- June 4, 2012—** A standard letter of exemption from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance was issued for the site by the Environmental Planning Section (Receipt 4823).
- September 4, 2012—** The Riverdale Park Town Council voted at their legislative meeting to support the proposed special exception application.
- January 2, 2013—** Alternative Compliance AC- 12017 was approved for the property by the Planning Director.

- D. **Master Plan and General Plan Recommendations:** The 2002 *Prince George's County Approved General Plan* locates the subject property 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. This application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier.

The 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68* (Planning Area 68 Master Plan and SMA) recommends a single-family detached land use for the subject property. This application conforms to the land use recommendations of the Planning Area 68 Master Plan and SMA, as day care facilities are permitted by special exception in the One-Family Detached Residential (R-55) Zone. The proposed expansion of an existing use will help meet the goal to protect, maintain, and enhance area neighborhoods to further foster safe and stable residential environments (page 16).

The subject property is documented as 68-004-48 and is part of the Riverdale Park National Register Historic District. However, the property is not a historic site or resource.

The Planning Area 68 Master Plan and SMA retained the subject property within the R-55 Zone.

- E. **Request:** The Little Workers of Sacred Hearts Nursery is requesting to increase the enrollment in the day care center from 25 to 30 children and add a 752-square-foot building addition. The building addition is necessary in order to enlarge the square footage of the center to meet state requirements for the number of children being requested. A semi-circular driveway is proposed along the southeastern side of the property that will be used as a student drop-off point, and a van-accessible parking space and wheelchair lift are proposed to be added to the site in order to bring the property into conformance with current ADA (Americans with Disabilities Act) requirements.

An existing four-foot-high chain-link fence that runs parallel to Queensbury Road on the southeastern side of the building is proposed to be removed, and a five-foot-high wrought iron fence is proposed to be added around the perimeter of the new circular driveway. With the addition of the new fence, the entire backyard area will once again be completely enclosed.

Landscaping will be added to bring the site in conformance with the current requirements of the *Prince George's County Landscape Manual* (Landscape Manual). A companion Alternative Compliance application, AC- 12017, was submitted for the property to address the landscape requirements for the site. The alternative compliance application was approved by the Alternative Compliance Committee and the Planning Director on January 2, 2013.

On July 20, 1983, The Board of Zoning Appeals granted a variance to waive ten feet of the required 25-foot setback from the front street line of Queensbury Road. The variance was necessary because the existing building and the 500-square-foot building addition that were proposed at the time were set back only 15 feet from the front street line. However, the site plan submitted for the current application demonstrates that a portion of the existing building is only 12.5 feet from the front street line. As a result, a new variance is now needed. In order to validate the existing conditions, the applicant is requesting a variance from Section 27-442(e) of the Zoning Ordinance to waive 12.5 feet of the required 25-foot setback from the front street line.

- F. **Neighborhood and Surrounding Uses:** The neighborhood is primarily dominated by residential land uses in the R-55 Zone that are developed with older, detached single-family dwellings. Some commercial and industrial uses in the Mixed Use Town Center (M-UTC) Zone exist to the west adjacent to the B&O railroad tracks. Many of the detached single-family dwellings in the neighborhood appear to date back to the 1920s and 1930s, and are in a variety of sizes, architectural styles, and stages of upkeep. The property is located within the Town of Riverdale.

The neighborhood is defined by the following boundaries:

North—	East-West Highway (MD 410)
South—	The Riverdale Mansion and beyond the Riverdale Park and Edmonston municipal boundary limits
East—	Northeast Branch [??] and beyond Kenilworth Avenue (MD 201)
West—	B&O railroad tracks and beyond Baltimore Avenue (US 1)

All of the surrounding uses consist of detached single-family dwellings in the R-55 Zone.

- G. **Parking Regulations:** A day care center requires one parking space for every eight children. The applicant is proposing to have a day care center with up to 30 children and, therefore, four parking spaces are required to serve the proposed use.

On February 13, 1984, Special Exception SE-3473 was approved for the property by the Zoning Hearing Examiner (ZHE) to authorize a 500-square-foot building addition for a day care center with up to 25 students. No increase in enrollment was being proposed at that time. A 20-foot by 25-foot building addition was being proposed on the eastern side of the building to contain a small chapel. The chapel was always intended to be, and is currently used, solely by the sisters who reside on the premises and is not open to the general public.

During the prior special exception application, the ZHE determined that, since the chapel was only used by the sisters who reside on the premises, it should be considered part of the residential use (the convent) and no additional parking should be required for the use of the chapel. In a memorandum provided for the current application, the Permit Review Section also stated that no parking should be required for the chapel because it is not open to the general public. The Permit Review Section further stated that no parking should be required for the residential use of the dwelling which was constructed in 1910.

Four parking spaces were deemed to be adequate at the time of the prior special exception application. Two parking spaces were provided within the paved driveway area on the western side of the building, and two additional parking spaces were located within the detached garage at the end of the driveway. The applicant is proposing to retain those four spaces in their current locations and add a new van-accessible parking space for the physically handicapped on the eastern side of the building. In addition, a new semi-circular driveway is proposed on the eastern side of the building to provide a safer drop-off point for the children in the day care center.

- H. **Prince George's County Landscape Manual Requirements:** The application proposes to enlarge the existing building and involves new construction, and is therefore, subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). In a memorandum dated February 7, 2013, the Urban Design Section provided the following comments concerning the site's conformance to the Landscape Manual:

Section 4.2—Requirements for Landscaped Strips along Streets

The submitted revised landscape plan still has some inaccuracies with respect to Section 4.2. The street frontage that includes the existing stone wall should be labeled as "Schedule 4.2b," and the remainder of the street frontage should be labeled as "Schedule 4.2a" to correspond to the correct schedules. Neither proposed strip fully meets the requirements of this section; however, Alternative Compliance AC-12017 was approved for this deficiency by the Planning Director on January 2, 2013.

Section 4.7—Buffering Incompatible Uses

The submitted revised landscape plan still does not meet the requirements of Section 4.7; however, Alternative Compliance AC-12017 was approved for this deficiency by the Planning Director on January 2, 2013.

Section 4.9—Sustainable Landscaping Requirements

The numbers of plants in the Section 4.9 schedule still do not correspond to the plant numbers in the schedule of planting. A condition has been recommended to require the numbers of plants in the Section 4.9 landscape schedule to be corrected to be consistent with the Schedule of Planting prior to final disposition of the case.

Tree Canopy Coverage

A tree canopy coverage (TCC) worksheet has been provided on the plan specifying that the TCC requirement is being met through existing trees and proposed tree plantings. However, it has still not been clarified how the amount of existing trees was calculated. The Urban Design Section has recommended that the applicant provide an exhibit showing how the area of existing trees was determined.

A condition has been recommended to require that the applicant provide an exhibit, or otherwise clarify, which existing trees are being used to fulfill the TCC requirement prior to final disposition of the case.

With the recommended conditions, the plans will be in substantial compliance with the requirements of the 2010 *Prince George's County Landscape Manual*.

I. **Zone Standards:** The site plan demonstrates that, even with the proposed structures, the property will not exceed the maximum amount of lot coverage permitted in the R-55 Zone. With the requested variance from Section 27-442(e) of the Zoning Ordinance, in order to validate the existing setback from the front street line of Queensbury Road, the property will be in substantial compliance with the requirements of the R-55 Zone.

J. **Variance Request:** Section 27-230 of the Zoning Ordinance provides the required criteria that the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, must find in order to grant a variance.

(a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

(1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Comment: The existing building was constructed as a single-family dwelling in approximately 1910 and, as such, the building predated the adoption of zoning regulations in this area. Therefore, there was no required setback from the front street line at the time the initial building was constructed. At the time of the prior special exception application in 1983, a new building addition was being proposed in order to construct a private chapel for the use of the sisters who live on the premises, therefore, making the site fully subject to the current setback requirements in the Zoning Ordinance.

The prior building addition for the chapel was proposed to be constructed at the same front building line as the existing structure, which was 15 feet behind the front street line of Queensbury Road. However, in reviewing the site plan submitted for the current application, it appears that the chapel was actually constructed 2.5 feet closer to the front street line of Queensbury Road than what was previously authorized by the Board of Zoning Appeals during the prior variance request and from that shown on the prior approved special exception site plan. Since the prior approved special exception site plan was used for the variance request and demonstrated the proposed building at 15 feet behind the front street line, the Board of Zoning Appeals ultimately waived ten feet of the required 25-foot setback from the front street line.

The revised statement of justification that was submitted by the applicant incorrectly requests a variance for 18 inches, stating that the chapel was constructed 16 to 18 inches closer to the street than what was previously approved. However, the current site plan submitted by the applicant shows the existing structure as being set back "12', 6", (or 12.5 feet)" from Queensbury Road, which is actually 2.5 feet closer to the front street line of Queensbury Road than what was previously authorized by the Board of Zoning Appeals during the prior variance request. As a result, a variance of 12.5 feet is now required from the 25-foot minimum setback requirement provided in Section 27-442(e) of the Zoning Ordinance.

The original structure was constructed prior to adoption of zoning requirements and does not conform to the current setback requirements from the front street line. The applicant later obtained approval of a revised special exception application and a variance request to construct a small building addition in 1983, only to find out now that the building addition was actually constructed 2.5 feet closer to Queensbury Road than what was previously approved. This has created an extraordinary situation and conditions that don't generally occur on other properties.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Comment: In granting the prior variance application (Appeal No. 6835), the Board of Zoning Appeals recognized that the original building predated the setback requirements in the Zoning Ordinance and, therefore, there was no way that the applicant could construct a new building addition that evenly matched the front building line of the existing structure without approval of a variance request. Although a new building addition is also being proposed with the current application, the applicant is not proposing to construct the building addition any closer to the front street line of Queensbury Road than what currently exists. The small building addition that is currently proposed will extend off of the back side of the existing private chapel. Therefore, the current variance request is not related to any of the changes that are being proposed on the property through the current special exception request, but rather to validate existing conditions for a portion of the building that was constructed almost 30 years ago.

The current site plans demonstrate that the eastern side of the existing building was constructed approximately 2.5 feet closer to Queensbury Road than what was previously authorized by the Board of Zoning Appeals during the prior variance request, resulting in the need for a new variance request to now be approved. An exceptional or undue hardship would result if the current variance request were not granted. Granting the applicant's variance request would validate a mistake that occurred approximately 30 years ago by a contractor who was hired in good faith by the applicant to construct a 500-square-foot building addition in accordance with the prior approved site plans. As a result, the strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property if the request were not granted.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Comment: At the time of the prior variance request on July 20, 1983 (Appeal No. 6835), the Board of Zoning Appeals stated the following concerning the applicant's request to waive ten feet of the required 25-foot setback from the front street line of Queensbury Road:

“After hearing all the testimony and reviewing the evidence presented, the Board finds that due to the existing conditions of the property, to grant the request would not substantially impair the intent, purpose, and integrity of the general plan of the Zoning Ordinance.”

The Town of Riverdale also voted to approve the prior variance request and, at the time, none of the neighbors had any objection to the applicant's request. In addressing the current variance request, staff believes that validating a 30-year-old portion of the existing building that was constructed 2.5 feet closer to Queensbury Road than what was previously approved would not substantially affect the Board of Zoning Appeals prior findings. As a result, staff finds that the granting of the variance request will not substantially impair the intent, purpose, or integrity of the General Plan or master plan.

(b) Variances may only be granted by the Planning Board from the provisions of this Subtitle or Subtitle 5B for property located within the Chesapeake Bay Critical Area Overlay Zones where an appellant demonstrates that provisions have been made to minimize any adverse environmental impact of the variance and where the Prince George's County Planning Board (or its authorized representative) has found, in addition to the findings set forth in Subsection (a), that:

- (1) Special conditions or circumstances exist that are peculiar to the subject land or structure and that a literal enforcement of the Critical Area Program would result in unwarranted hardship which is defined as a circumstance where without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested;**
- (2) A literal interpretation of the provisions of the Critical Area Program and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;**
- (3) The granting of a variance would not confer upon an applicant any special privilege that would be denied by Critical Area Program to other lands or structures within the Critical Area;**
- (4) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;**
- (5) The granting of a variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance would be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program;**
- (6) The development plan would minimize adverse impacts on water quality resulting from pollutants discharged from structures, conveyances, or runoff from surrounding lands;**
- (7) All fish, wildlife, and plant habitat in the designated critical areas would be protected by the development and implementation of either on-site or off-site programs;**

- (8) The number of persons, their movements and activities, specified in the development plan, are in conformity to established land use policies and would not create any adverse environmental impact; and
- (9) The growth allocations for Overlay Zones within the County would not be exceeded by the granting of the variance.

Comment: The subject property is not located within the Chesapeake Bay Critical Area.

- (c) For properties in the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where the applicant proposes development of multifamily dwellings and also proposes that the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code, the Board of Appeals may consider this increase over the required number of accessible units in making its required findings.

Comment: The subject property is located in the R-55 Zone. Therefore, the above finding is not applicable to the subject application.

- K. **Specific Special Exception Requirements:** Section 27-348.01 of the Zoning Ordinance provides the specific special exception requirements for a day care center. The submitted site plan is in substantial conformance with the criteria below and no variances are being requested from these requirements.

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;
 - (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: The requested capacity for the day care use is 30 children, which requires a minimum 1,125-square-foot outdoor play area. The prior approved special exception site plan demonstrated a 4,992-square-foot outdoor play area which is now proposed to be reduced in size. However, the current site plan shows a fenced, 2,125-square-foot outdoor play area located behind the existing building which meets and exceeds this requirement.

The site plan does contain some errors concerning the size of the required and provided outdoor play area. General Note 5 on the site plan states that a 1,125-square-foot play area is required and a 2,125-square-foot play area is

provided. The play area itself is also labeled on the plan as being 2,125 square feet in size. However, additional notes (entitled as “Notes on Day Care Use”) are provided on the bottom of the site plan to demonstrate compliance with the specific special exception criteria in this section (Section 27-348.01). These notes state that a 2,250-square-foot play area is required and a 3,000-square-foot play area is provided. As a result, a condition has been recommended to require that the “Notes on the Day Care Use” be revised so that they are consistent with the play area information provided in General Note 5.

- (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 proposed outdoor play area is located more than 25 feet from all existing dwellings on adjoining lots and is fully enclosed by a four-foot-high chain-link fence in conformance with this requirement.

- (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: In adopting the Zoning Hearing Examiner’s final decision for prior Special Exception SE-3473 on March 14, 1984, the District Council found the setback of the play area and the height of the fence to be adequate. The current site plan demonstrates that the outdoor play area will be located within the same general area, which is behind the existing structure. The four-foot-high chain-link fences that currently surround the play area are proposed to remain.

- (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: The outdoor play area is located on the subject property. No off-premises play or activity area is proposed.

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

Comment: The landscape plan has been revised to include two shade trees on either end of the play area. Within a memorandum dated February 7, 2013, the Urban Design Section stated that these trees will provide sufficient shade for the outdoor play area during the warmer months.

- (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: General Note 5 provided on the submitted site plan states that the outdoor play area will be limited to daylight hours only.

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

Comment: The submitted revised plans indicate that the outdoor play area will be limited to daylight hours between 7:00 a.m. and 9:00 p.m. in fulfillment of this requirement.

- (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 located in the R-55 Zone. Therefore, the above finding is not applicable to subject 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: All of the above criteria are shown on the submitted site plan.

- (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 current application proposes an expansion both in gross floor area and the proposed enrollment and is, therefore, subject to the specific criteria in this Section.

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

Comment: The enrollment is proposed to be expanded from 25 children to 30 children, and the largest number of children enrolled in the center in any one session has been used for the purposes of this Section.

- L. Signage:** No signage is proposed at this time. Any future signage proposed on this property will require approval of a revised special exception site plan prior to approval of a sign permit.
- M. Referrals:** A majority of the revisions that were requested in the referral process have already been addressed by the applicant through the submission of revised plans. Any outstanding plan revisions that still remain have been included as conditions of approval. Although a referral request was sent to the Department of Public Works and Transportation on November 19, 2012, no comments were provided from the agency at the time of the writing of the staff report.

Town of Riverdale Park—Within an undated letter that was received by the Chairman's Office of the Prince George's County Planning Board on September 7, 2012, the Town Administrator for the Town of Riverdale Park stated the following concerning the special exception application:

“Based in large part on overwhelming support from the community as expressed at the August 27, 2012 work session, the Town Council of Riverdale Park voted at the September 4, 2012 legislative meeting to support the application for the ‘Addition to the Day School of Little Workers of the Sacred Heart.’

“The Council voted to support this project for many reasons, including:

- “• The low-cost, high-quality day care services provided by the Little Workers of the Sacred Heart are in short supply for many of our residents, and this expansion will allow more families to receive these essential services.
- “• Modifications to the building will include a wheel-chair lift, which will allow easy access to the building by disabled students and parents.
- “• The plans for drop-off and pick-up of the children are a great improvement over the existing situation. These new facilities will both enhance public safety for the children and improve the traffic situation on the adjoining street.
- “• The site will also now include dry wells at the down spouts, which will help minimize storm water run-off from the property, which is an ongoing concern in Riverdale Park.
- “• The Little Workers of the Sacred Heart have been careful to engage stakeholders, including neighbors adjacent to the facility, and the Town of Riverdale Park, during the design process. They have succeeded in addressing noise mitigation, aesthetic, and storm water management issues as part of this process.

“The proposed addition and associated modifications will produce a facility that is better able to serve the needs of families and is more architecturally and aesthetically pleasing.

“Although we support the project, we do have some concerns. Some nearby residents believe that this expansion will adversely affect their quality of life and property values. We request that the Little Workers of the Sacred Heart establish policies with the parents of the children to minimize the impact of the extra vehicular traffic on those neighbors by establishing policies such as: that vehicles be turned off while the parents are picking up and/or dropping off children (or waiting to do so), that security systems on vehicles not be engaged if parents are going into the school, and that parents be encouraged to carpool when possible. These policies are examples only and are not intended to be either required or a complete list of possibilities. Additionally, we hope that the final landscaping will maximally buffer the concerned neighbors from the Little Workers of the Sacred Heart.

“Another concern is with additional storm water run-off. While the Little Workers of the Sacred Heart have been proactive in their approach by adding dry wells to their site design, we strongly request that the currently unspecified material of the new driveway and parking spot be made from permeable pavement, such as Permeable Interlocking Concrete Pavements (PICP), which have an approximately 10% void area through which water can pass. In discussions with the applicant, they have indicated that this choice is acceptable. We feel that it will simultaneously address our storm water concerns and noise concerns from some adjacent neighbors.

“In summary, for the reasons detailed above, the Town of Riverdale Park strongly supports the project as proposed, albeit with some outstanding concerns. Please note that this support is for the project currently proposed, and we reserve the right to alter our support if there are significant changes to the plans, or changes that are inconsistent with our requests in this letter.

“We ask that the Planning Board, Zoning Hearing Examiner, District Council, and planning staff review to consider and approve this request as soon as possible. This project has been under discussion for many months now. The sooner the applicant can get this project completed, the sooner we can address the pressing need for high-quality, low-cost day care in the community that this project addresses.”

Comment: The applicant’s statement of justification states that on March 5, 2012, the Town Council of Riverdale Park unanimously approved the two new proposed curb cuts onto Queensbury Road that would be required to install the proposed semi-circular, one-way driveway. The document further states that the Chief of Police of Riverdale Park is in strong support of the proposed modifications to add a semi-circular driveway as an enhancement to public safety.

In regards to the traffic impact due to the increase in the number of children at the facility, the Transportation Planning Section stated that the new driveway will provide an alternate entrance to the existing driveway where vehicles back out onto Queensbury Road. The semi-circular driveway will have a one-way in and one-way out configuration improving traffic safety. The proposed physical changes will improve traffic flow into and out of the day care center. The five additional children should have minimal impacts to existing traffic flow at the site. Only four additional trips are expected during either peak hour as a result of the addition to the structure and increase of five children. The Transportation Planning Section finds that the revision application poses no issue regarding the original special exception finding for the original application as the finding relates to transportation.

Regarding the town’s comments concerning the surface material of the proposed driveway, staff has no issue with the use of some type of pavers that would allow stormwater to infiltrate through the semi-circular portion of the driveway. However, the portion of the driveway containing the proposed van-accessible parking space for the physically handicapped will have to be constructed with a material that meets ADA (Americans with Disabilities Act) regulations. General Note 14 on the site plan states that, due to the minimal amount of proposed disturbance, the application is exempt from the requirement to have a stormwater management concept plan approved.

The material of the proposed semi-circular driveway shown on the current site plan is stamped concrete, which typically does not contain any void areas that would allow for water infiltration. However, the entire new driveway is included within the lot coverage calculations and the proposed development does not exceed the maximum lot coverage requirement in the R-55 Zone. As a result, the driveway material as currently shown on the site plan meets the requirements of the Zoning Ordinance. Should the material of the proposed driveway be further revised by the applicant, the Zoning Hearing Examiner, and/or the District Council, the final material of the surface of the driveway should be specified on the site plan prior to final disposition of the case.

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 purpose of this Subtitle;

Comment: The primary purposes of the Zoning Ordinance are to protect the public health, safety, and welfare; to promote the most beneficial relationship between the uses of land and buildings; and to protect landowners from adverse impacts of adjoining development. A day care center has been in operation on this property since February 15, 1956, when Special Exception SE-272 was first approved for the property. Both the original special exception application and the subsequent revision in 1984 were found to be in harmony with the purpose of this Subtitle. With the approval of the requested variance application, which would validate an existing setback from the front street line for an older portion of the building, the site plan will meet all of the requirements of the R-55 Zone. The use and site plan proposed in this application, with the recommended conditions in place, are in harmony with the purposes of Subtitle 27.

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

Comment: The additional parking requirements and play area requirements that are needed in order to increase the enrollment from 25 to 30 children have been properly reflected on the submitted site plan. For the first time since the use was initially established on the site in 1956, the property is now subject to the requirements of the 2010 *Prince George's County Landscape Manual*. The use was also required to demonstrate compliance with the tree canopy coverage requirements that are now applicable to the property in accordance with Section 25-127(a)(1) of the County Code. On January 2, 2013, the Planning Director approved Alternative Compliance AC- 12017 which addressed the landscaping requirements for the proposed use.

A van-accessible parking space will now be provided on the property and a wheelchair lift will be installed as a part of the new building addition in order to insure that access to the interior of the building is being provided for the physically handicapped. Through this revision, the property will now be in substantial compliance with current ADA regulations. Per General Note 14 on the submitted site plan, the application is exempt from the requirement to obtain approval of a stormwater management concept plan. However, the site plan demonstrates that the downspouts along the southeastern and southwestern sides of the structure are proposed to be routed into two new drywells in order to help reduce surface runoff.

The use and site plan are in compliance with the specific special exception requirements contained in Section 27-348.01 of the Zoning Ordinance for day care centers, and no variances from those requirements have been requested by the applicant.

In adopting the Zoning Hearing Examiner's final decision for SE-3473 on March 14, 1984, the District Council found that the use and the site plan satisfied all of the provisions of Section 27-317. 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.

(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;

Comment: Within their December 18, 2012 memorandum, the Community Planning Section stated that the application is consistent with the development pattern policies of the 2002 *Prince George's County Approved General Plan* for the Developed Tier. The proposed expansion of an existing use will help strengthen existing neighborhoods and encourage appropriate infill development.

The application conforms to the land use recommendations of the 1994 *Approved Master Plan and Sectional Map Amendment for Planning Area 68*, as day care facilities are permitted by special exception in the R-55 Zone. The proposed expansion of an existing use will help meet the goal to protect, maintain, and enhance area neighborhoods to further foster safe and stable residential environments.

A day care center has been in operation on this property since February 15, 1956, when Special Exception SE-272 was first approved for the property. The use was approved again on March 14, 1984 through the approval of Special Exception SE-3473 which proposed a 500-square-foot building addition for a new chapel and a parking modification to an existing day care center with up to 25 students. Upon approving both applications, the District Council and Zoning Hearing Examiner found that 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. Staff believes that these findings continue to be valid.

(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;

Comment: The new driveway that is proposed will provide an alternate entrance to the existing driveway where vehicles have to back out onto Queensbury Road or park within the public right-of-way. The semi-circular driveway will have a one-way in and one-way out configuration improving traffic safety. The proposed physical changes will improve traffic flow into and out of the day care center. Within their January 17, 2013, memorandum, the Transportation Planning Section stated that the increased enrollment of five additional children that are proposed to be added through the subject application would have minimal impacts to existing traffic flow at the site, and that only four additional trips are expected during either peak hour as a result of the addition to the structure and the increase of five children.

Along with the safety improvements that the new driveway will provide, the property will also be brought into compliance with current ADA standards. Additional landscaping will be added to the property to comply with the requirements of the Landscape Manual, and a majority of the stormwater runoff associated with the structure's downspouts will now be contained in new dry wells. During prior special exception applications, the proposed use was found to have no adverse affect on the health, safety, or welfare of residents or workers in the area. The additional improvements that are now being proposed through the current application will ensure these findings continue to be valid.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

Comment: Per information derived from the Maryland Department of Assessments and Taxation, the property was initially developed with a two-story, detached single-family dwelling in approximately 1910. The day care center use commenced on this property on February 15, 1956, and no evidence has been found that the use has been detrimental to the use or development of

adjacent properties or the general neighborhood. All of the adjacent properties and the general neighborhood are already developed with detached single-family dwellings.

The general neighborhood includes mostly small-size, single-family, detached residential properties. The Urban Design Section reviewed the architectural elevations for the proposed building addition and found that the proposed exterior finishing materials and colors will match the existing building and will blend well with the existing property and the general neighborhood.

Within their December 18, 2012 memorandum, the Community Planning Section stated that the proposed expansion of an existing use will help meet the master plan goal to protect, maintain, and enhance area neighborhoods to further foster safe and stable residential environments. The Transportation Planning Section further found that the increased enrollment of five additional children would have minimal impacts to existing traffic flow at the site, and that only four additional trips are expected during either peak hour as a result of the addition to the structure and the increase of five children. All of these factors suggest that 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.

Comment: The site is exempt from the requirement to file a tree conservation plan because the property is less than 40,000 square feet in size and there are no previously approved tree conservation plans associated with the property. As a result, a standard exemption letter from the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance was issued for the property by the Environmental Planning Section on June 4, 2012.

CONCLUSION:

Based on the preceding analysis and findings, staff recommends APPROVAL of Revision of Site Plan Application No. ROSP-3473-01, subject to the following conditions:

1. Prior to final disposition of the case, the following revisions shall be made to the special exception site plan:
 - a. The plan shall be signed and sealed by a qualified professional.
 - b. Show the boundary limits of Lots 3, 4, and 5 and part of Lot 2.
 - c. Label the height and type of all fences and walls and provide a symbol for the proposed fence along the semi-circular driveway.
 - d. Show the limits of the existing four-foot-high chain-link fence along Queensbury Road and label the fence as "To be Removed."
 - e. Provide the legal description of the property in the title block.
 - f. Remove the reference to the prior approved variance along the front of the building, and provide a note stating that a new variance is requested to waive 12.5 feet of the required 25-foot setback from the front street line.

- g. Revise the “Notes on the Day Care Use” so that they are consistent with the information provided in General Note 5 concerning the required and provided size of the outdoor play area.
- 2. Prior to final disposition of the case, the landscape plan shall be revised as follows:
 - a. Correctly label the applicable Section 4.2 schedules for the different lengths of frontage on Queensbury Road.
 - b. Correct the numbers of plants in the Section 4.9 landscape schedule to be consistent with the Schedule of Planting.
 - c. Provide an exhibit showing how the area of existing trees was determined in meeting the tree canopy coverage requirement.