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Special Exception Application No. 4487

Application		General Data	
Project Name: Righteous Corner Learning Center Location: Northeast corner of Bryan Point Road and Farmington Road West, known as 600 Farmington Road West. Applicant/Address: Mrs. Sheila Hampton 4344 Castle Tower Court White Plains, Maryland 20695		Date Accepted:	3/16/04
		Planning Board Action Limit:	N/A
		Plan Acreage:	13.95
		Zone:	O-S
		Dwelling Units:	N/A
		Square Footage:	N/A
		Planning Area:	83
		Tier:	Developing
		Council District:	09
		200-Scale Base Map:	220SW01
Purpose of Application		Notice Dates	
Day Care Center for Children (80)		Adjoining Property Owners Previous Parties of Record Registered Associations: (CB-12-2003)	11/10/03
		Sign(s) Posted on Site:	N/A
Staff Recommendation		Staff Reviewer: Elsabett Tesfaye	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

July 13, 2004

TECHNICAL STAFF REPORT:

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

VIA: Jimi Jones, Acting Zoning Supervisor

FROM: Elsabett Tesfaye, Senior Planner

SUBJECT: **Special Exception Application No. 4487**

REQUEST: **Day Care**

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 subject property is located on the northeast corner of Bryan Point Road and Farmington Road West, known as 600 Farmington Road West. The site comprises approximately 13.95 acres of land and is improved with a one-story historic church building, a school building, a covered sports pavilion, a rectory, two storage sheds, and a small cemetery. The property is accessed from West Farmington Road via three driveways.

- B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	O-S	O-S
Use(s)	Church/Private School	Church/Daycare
Acreage	13.95	13.95
Parcels	P.30, P.14, P.214	P.30, P.14, P.214

- C. **History:** The subject property was incorporated into the Maryland-Washington Regional District on April 24, 1961. The 1993 Subregion V sectional map amendment retained the property in the C-O Zone.
- D. **Master Plan Recommendation:** The 1993 Subregion V Master Plan recommends the site for Low Rural Living Area. The 2002 General Plan places the subject property in the Rural Tier.
- E. **Request:** The applicant proposes to use a former private school building as a day care center for 80 children. No new construction is proposed.
- F. **Neighborhood and Surrounding Uses:** The neighborhood boundaries are as follows:

North	Piscataway Park—National Park Service
East	Piscataway Park Scenic easement
South	Piscataway Park Scenic easement
West	Piscataway Park Scenic easement

The applicant has not defined the neighborhood for the subject application.

The neighborhood is characterized by parkland—Piscataway Scenic Easement and Piscataway National Park Service—with a large-lot living area classified in the O-S Zone.

- G. **Specific Special Exception Requirements:** A day care center for children is permitted in the O-S Zone as a special exception. **Section 27-348.01** sets forth the specific requirements:

- (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;**

The applicant proposes a maximum of 80 children to be enrolled in the proposed day care center.

- (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.**
 - (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.**
 - (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.**

Based on the proposed capacity of the center (80 children), a play area with a minimum of 3,000 square feet is required ($80 \times 50\% = 40 \times 75 = 3,000$). The site plan provides for 3,200 square feet of grass play area that is fully enclosed by a four-foot chain-link fence. The site plan (Day Care Data) also identifies a 6,192-square-foot covered basketball pavilion as part of the play area, bringing the total play area to 9,392 square feet. The Permit Review Section has offered the following comment regarding the use of the basketball pavilion as a play area

Section 27-348.01 (a)(2)(B) of the Zoning Ordinance requires all outdoor play area to be enclosed with a wall or fence at least four feet in height. The covered basketball pavilion has been included in the outdoor play area calculations as well as providing the required shade. However, this pavilion is not enclosed with the required fence. Therefore, unless this pavilion is enclosed with the required four-foot-high fence, it cannot be included in the total play area “provided” or be applied toward the required shade for the children in the day care.

The Urban Design Review Section has offered the following comments regarding the proposed play area:

The Urban Design Section has concerns over the proposed play areas. The applicant does not provide any information concerning the age range of the children who will attend the center. The applicant proposes two outdoor play areas; one is the fenced yard area with grass surface, and the other is an existing basketball pavilion with concrete surface. No play equipment has been shown on the plan. If the prospective day care children will be too young to play basketball, then the existing basketball pavilion should not be considered as an outdoor play area for the day care. If any play equipment is provided within the proposed

outdoor play area, it should meet the requirements of the U.S. Consumer Product Safety Commission (CPSC).

The pavilion must be enclosed with a four-foot fence. In addition, a gazebo or a shed needs to be installed within the play area to provide sufficient shade during the warmer months.

The proposed play area is located in the northern portion of the subject property, sufficiently distanced (well over 25 feet) from any dwelling on an adjoining property. However, the site plan must be revised to show the setback of the fenced play area, including setbacks for the pavilion, if it is to be considered as a part of the play area (enclosed by a fence).

- (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.**

The applicant does not propose an off-premises outdoor play area. However, the site plan must be revised to show how the play area is accessed from the day care building.

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

The site plan shows existing vegetation throughout the property, including one tree in close proximity of the grass play area and another closer to the pavilion. The type and size of these trees are not identified. No vegetation or structure is located within the enclosed play area, and as such, the play area would not have sufficient shade during the warmer months to afford protection from the sun. Given the fact that the play area may be used by up to 50 percent (40 children) of the total number of children at any one time, it is essential that a measure shall be taken to provide sufficient shade for the children using the play area during the warmer months. To that end, it is recommended that the site plan be revised to include a gazebo in the play area.

- (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.**

The site plan indicates hours of operation from 6.30 a.m. to 6:00 p.m. At certain times of the year, it is dark during these hours. A note on the site plan states that the play area will only be used during daylight hours.

- (G) Outdoor play shall be limited to the hours between 7:00 A.M. and 9:00 P.M.**

The site plan indicates that hours of operation for the outdoor play area shall be limited to the hours of 8:00 a.m. to dark (daylight hours only).

- (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.**

The site plan generally complies with these requirements; however, the following specific information needs to be provided on the site plan:

1. The setback of the fenced play area must be provided on the site plan.
2. Lot coverage calculations must be provided on the site plan.
3. The gross floor area of all buildings must be provided on the site plan.

H. Parking Regulations: Section 27-568 of the Zoning Ordinance requires one parking space for every eight (8) children for a day care center for children.

The proposed day care will have a maximum enrollment of 80 children. A total of ten parking spaces are required ($80 \div 8 = 10$). Ten parking spaces, including two van-accessible spaces for the physically handicapped, are provided. The Permit Review Section has indicated that the parking schedule must include the required parking for all uses on the property. This schedule should include the date of construction so that the proper parking calculations and design standards may be applied. If the church existed prior to October 1970, then one parking space for every six seats is required. The rectory requires the same parking as a single-family dwelling. Parking space sizes would also be grandfathered if established prior to October 1970 and should be dimensioned on the site plan at either 10 feet x 20 feet or 9 feet x 22.25 feet. In addition, the typical sizes of the parking spaces shall be shown on the site plan and ramp or depressed curb must be provided for the van-accessible parking spaces.

The site plan indicates a loading space, though not dimensioned on the site plan. Institutional uses do not require a loading space if there is less than 10,000 square feet of gross floor area. However, if the applicant prefers to provide a loading space, the space must comply with the design standards and setbacks of Part 11, Division 3, of the Zoning Ordinance. The required (**Section 27-577**) minimum dimensions for loading space (excluding driveways, entrances, and exits) is 33 feet (length) by 12 feet (width). Moreover, **Section 27-579** specifies that **no portion of an exterior loading space, and no vehicular entrances to any loading space (including driveways and doorways), shall be located within fifty (50) feet of any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan).**

I. Landscape Manual Requirements—Landscaping, Buffering and Screening:

Section 27.328.02(a) of the Zoning Ordinance exempts the proposal from compliance with the landscaping, buffering and screening requirements of the *Landscape Manual*, because the proposal does not involve the construction, enlargement or extension of a building. Although not required, it is recommended that the loading space and the trash dumpster or enclosure are adequately screened from the road. Also, the trash enclosure type and size (height and area) must be provided on the site plan.

- J. Sign Regulations:** No sign is shown on the site plan. If the applicant intends to place a freestanding sign on the site, its location must be shown on the site plan prior to approval. All signs must meet the area, height and setback standards in accordance to the provisions of Part 12 of the Zoning Ordinance.
- K. Zone Standards:** A day care is permitted in the O-S Zone by special exception. The site plan demonstrates conformance with most of the development standards of the O-S Zone. However, specific calculations and measurements must be provided for building height, lot coverage, frontage, yards, other required setbacks (loading space, nearest residential uses), and landscaping (in terms of screening for the loading space and trash dumpster) to demonstrate compliance with the requirements of the Ordinance.
- L. Other Issues:** The Permit Review Section has indicated that a cemetery is a permitted accessory to a church in the O-S Zone provided both uses were in existence as of January 1, 1991, per Section 27-441(b)(3) footnote 49 of the Zoning Ordinance. Therefore, the date when the church and cemetery were established must be provided on the site plan.
- M. Historic Site:** The Historic Preservation Section has offered the following comments:

This special exception involves one of the buildings on the grounds of Historic Site #83-8, Christ Church at Accokeek. This building is the former Canterbury School, located approximately 75 feet east of the historic church building. This application proposes use of the school building as a child care center.

Christ Church was designated as Historic Site #83-8 in 1981 with the adoption and approval of the *Historic Sites & Districts Plan*. It is a one-story, gable-roof brick building with bracketed cornice and hood moldings over round-arch windows. The side entrance has an ornate molded casing. The church was built in 1748 as the lower chapel for St. John's Church at Broad Creek. After this chapel burned in 1856, the present church was rebuilt using its original brick walls and adding the Victorian cornice, entrance and window details. The church property includes not only the historic church building, but the Canterbury School building (1960s), a covered basketball pavilion, the rectory (1930s), several small storage sheds, and a large landscaped cemetery. The historic site designation comprises the entire church property (12.15 acres).

...The proposed use of the former Canterbury School building will effectively continue the past use of this (noncontributing) building on the church grounds and will have no adverse effect on the historic site. Erection of a new fence for the expanded play area will require application for a Historic Area Work Permit (HAWP), to be submitted to Historic Preservation staff. ... Prior to issuance of a grading permit for expansion of the play area, or of a use-and-occupancy permit for the school building, the applicant shall submit a HAWP application for the erection of a fence for the expanded play area.

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.**

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 types of land. There are no major issues associated with this application that would conflict with the general purposes of this Subtitle. However, certain important facts and data (i.e., gross area, height and number of stories of buildings, lot coverage calculations, parking schedule (complete), required setbacks, internal circulation pattern, proposed right-of-way lines) are omitted from the site plan that is currently in the record of this application. The site plan must be revised to include this information. Moreover, the subject special exception site should be outlined in red. With the site plan revised to include the above-mentioned information and with the proposed conditions, proposed use and site plan will be 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.**

The subject property is located in the O-S Zone that permits the proposed day care facility as a special exception. With the recommended conditions, the proposed use conforms 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 1993 Master Plan for Subregion V recommends the site for a Low Rural density at a maximum of .2 dwelling units (average .15 units) per acre. The 1993 Sectional Map Amendment for Subregion V retained the property's O-S zoning. The proposed use will not substantially impair the integrity of the approved master plan recommendations for the residential areas. This application is located in the Rural Tier. The vision for the Rural Tier is the protection of large amounts of land for woodland, wildlife habitat, recreation and agriculture pursuits, and preservation of the rural character and vistas that now exist. The proposed use is not inconsistent with the 2002 General Plan Development Pattern policies for the Rural Tier.

- (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.**

With the recommended conditions, the proposed use 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 Transportation Section has offered the following comments:

...The *Trip Generation Manual's* average rates indicate that approximately 65 percent of peak-hour trips may be already on the adjacent roadway. Since the proposed use is in a fairly rural area with little nearby development, it is doubtful that more than about 10 percent of trips to the use would be "passing by"

currently along Farmington Road West.

However, the day care facility would be operated within a building that has previously been in use as a private school, with no new construction occurring as a result of this application. This would indicate that the existing building could be operated as a school by right, and trip generation figures indicate that a private school would not have a significant different trip generation from the day care facility. In fact, the day care facility would likely have a lesser traffic impact than the private school since the private school operates on a set schedule, while day care offers a flexible time window in which students are deposited and collected. A private school will have a narrower peak, resulting in more traffic on the adjacent roadway during brief morning and afternoon time periods.

The vehicle trips generated by the proposed use on the subject property would utilize the MD 210/Farmington Road and the Farmington Road West/Bryans Point Road intersections. The site is in the Rural Tier, as defined in the Prince George's County General Plan, with a defined standard of Level-of-Service (LOS) C and a maximum critical lane volume (CLV) of 1,300. The transportation staff has no available traffic count data in the area. Nonetheless, because the use is proposed within a former school, it is not believed that traffic generated by the special exception would pose new capacity issues in the immediate vicinity.

Access to and circulation within the site are acceptable. It is noted that Farmington Road West is a master plan rural collector within an 80-foot proposed future right-of-way.

The Transportation Planning Section finds that the proposal, in consideration that it is proposed within an existing building that has been operated as a private school in the past, would not pose unanticipated capacity or safety issues on adjacent roadways.

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

A tree conservation plan is not required because the property is larger than 40,000 square feet in area and contains more than 10,000 square feet of existing woodland. The subject property is exempt from the requirements of the Woodland Conservation Ordinance until such time as the cumulative woodland disturbance exceeds 5,000 square feet during any five-year period or the site is required to go through the subdivision process [per Letter of Exemption (Exemption E-062-03) from Environmental Planning Section, dated November 13, 2003].

CONCLUSION

Based on the preceding analysis and findings, it is recommended that Special Exception SE-4487 be APPROVED subject to the following conditions:

1. The site plan shall be revised prior to the issuance of the Zoning Hearing Examiner's Hearing to include the following:
 - a. Setbacks for the fenced play area.

- b. Lot coverage calculations.
 - c. Gross floor area of all buildings.
 - d. A revised parking schedule that includes the required parking spaces for the existing church.
 - e. Dimensions of parking spaces (based on the construction date of the structures—prior or/and after 1970).
 - f. Dimensions of the loading space or removal of the reference to the “LOADING SPACE.”
 - g. Dimensions of the trash enclosure.
 - h. The date when the church and cemetery were established.
 - i. The special exception site boundary lines outlined in red.
 - j. Access from the day care building to the play areas.
- 2. A ramp or depressed curb shall be provided for the van-accessible parking spaces.
 - 3. A gazebo shall be installed within the play area to provide sufficient shade for the children using the play area during the warmer months.
 - 4. Prior to the issuance of a grading permit for expansion of the play area or of a use-and-occupancy permit for the school building, the applicant shall submit a Historic Area Work Permit application for the erection of a fence for the expanded play area.