



*Note: Staff reports can be accessed at [www.mncppc.org/pgco/planning/plan.htm](http://www.mncppc.org/pgco/planning/plan.htm).*

## Special Exception Application No. 4499

Application	General Data
<b>Project Name:</b> Abiding Presence Lutheran Church  <b>Location:</b> Southwest corner of Montgomery Road and Foreston Road, known as 11310 Montgomery Road.  <b>Applicant/Address:</b> Abiding Presence Lutheran Church 11310 Montgomery Road Beltsville, Maryland 20705	Date Accepted: 6/25/04
	Planning Board Action Limit: N/A
	Plan Acreage: 1.67
	Zone: R-R
	Dwelling Units: N/A
	Square Footage: 11,228
	Planning Area: 61
	Tier: Developing
	Council District: 01
	Municipality: N/A
	200-Scale Base Map: 214NE05

Purpose of Application	Notice Dates
Private School (70 students)	Adjoining Property Owners Previous Parties of Record Registered Associations: 2/19/04 (CB-12-2003)
	Sign(s) Posted on Site: N/A

Staff Recommendation		Staff Reviewer: Jimi Jones	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

October 20, 2004

**TECHNICAL STAFF REPORT:**

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

FROM: Jimi Jones, Acting Supervisor, Zoning Section

SUBJECT: **Special Exception Application No. 4499**

REQUEST: **Private School (70 students)**

RECOMMENDATION: **Approval with Conditions**

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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.

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## FINDINGS:

- A. Location and Field Inspection:** The subject property is located on the southwest corner of the intersection of Montgomery and Foreston Roads in Beltsville. The property is developed with an 11,228-square-foot church and asphalt parking. The church is served by two parking compounds, which are located on the southern and western portions of the property and are interconnected by a paved drive. The church is served by two paved driveway entrances: one on Montgomery Road and the other on Foreston Road. Both driveways are a considerable distance (about 200 feet minimum) from the Montgomery Road/Foreston Road intersection. The church is also served by an existing paved loading space, which fronts on Foreston Road. Existing landscaping at the church includes a few mature deciduous trees located at the rear of the church and grassed lawn areas surrounding the church building and bordering the parking lots.

**B. Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	R-R Zone	R-R Zone
Use(s)	Church	Private School
Acreage	1.6 ac.	1.6 ac.
Lots	1	1
Parcels	1	1
Square Footage/GFA	11,228	11,228
Dwelling Units:	N/A	N/A

- C. History:** The subject property was retained in the R-R Zone during the 1990 Sectional Map Amendment for Subregion I. Currently the Paint Branch Montessori School is operating at the church. The school was formerly at the Paint Branch Unitarian Church (in Adelphi) but has relocated to the subject property as a result of a fire. The District Council passed Council Resolution CR-44-2004 to allow the school to operate temporarily without a special exception (until November 30, 2004).
- D. Master Plan Recommendation:** The 1990 master plan for Subregion I recommends public/quasi-public use for the property.
- E. Request:** The applicant seeks approval of a special exception application to allow the use of an existing church for a private elementary school. The private school is currently operating (pursuant to CR-44-2004) one session from 8:30 a.m. to 2:30 p.m., Monday through Friday. Before and after school care will be provided between 7:00 a.m. and 5:00 p.m. The school's curriculum consists of a Montessori elementary school educational program for 70 pre-kindergarten through sixth-grade students. This special exception application does not propose to alter the school's current hours of operation, maximum number of students or curriculum.

There will be no expansion of the church building or associated parking necessitated by the operation of the private school. The only material change to the exterior appearance of the site is the addition of an outdoor play area containing playground equipment and a fence surrounding the play area.

**F. Neighborhood and Surrounding Uses:** The neighborhood is defined as follows:

North:	Powder Mill Road
South:	Sellman Road, serving as the northern boundary of the National Agricultural Research Center
East:	Rhode Island Avenue and Powder Mill Road
West:	Paint Branch Stream

The neighborhood is generally developed, with only a few vacant parcels remaining. The interior of the neighborhood is characterized by single-family detached residential development and scattered institutional uses. The residential area has been developed at low suburban densities ranging from 1.6–2.6 dwelling units/acre. The institutional uses present in the neighborhood include two churches, the Beltsville Elementary School, the Beltsville Public Library, and the District 6 Police Station. There are two county-designated historic properties in the neighborhood: the Orme-Shaw House located approximately 0.4 mile northeast of the subject property and the McLeod-Forrester House located approximately 0.4 mile south of the site, on Montgomery Road. The Montpelier Woods condominiums, which are located at the far southern edge of the neighborhood, are situated west of Baltimore Avenue and adjoin the USDA National Agricultural Research Center on the south.

The northern and eastern edges of the neighborhood are developed with single-family detached residential subdivisions interspersed with retail-commercial and office development. Powder Mill Road, which forms the northern and eastern boundary of the neighborhood, contains mostly single-family detached homes, on both sides of the road.

The property is surrounded by residential uses in the R-R Zone.

**G. Specific Special Exception Requirements:** Section 27-396(b) provides the following specific requirements for a private elementary school:

- (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 current enrollment at the private school is 70 students. The applicant provides that the maximum enrollment at the private school will not exceed 70 students. This enrollment figure is also reflected in Council Resolution CR-44-2004, which permits the subject use to operate temporarily in the existing church.

- (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 maximum enrollment of 70 students, the play area is required to be at least 7,000 square feet in size. The present outdoor play area contains 8,479 square feet or 121 square feet of play area per child, which exceeds the minimum requirement of 100 square feet of play area per child. The outdoor play area is located at least 25 feet from any dwelling on an adjoining lot. A chain-link fence, three feet in height, encloses the play area.

- (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 private school is operating in an existing church.

**Section 27-396(c) further provides that in addition to the requirements of Section 27-296(c), the site plan shall show:**

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

While the site plan shows the proposed enrollment (70 students) and the location of outdoor play areas, the location of dwellings on adjoining lots and the character of the use are not provided. The applicant will be required to provide this information.

- H. Parking Regulations:** The parking schedule provided on the site plan incorrectly indicates that a total of 49.5 spaces are required for the uses on the property (church, chancel, nursery and private school). Essentially, there are two uses on the property: a church and a school. The chancel and nursery are part of the church. The applicant attempts to take a 20 percent parking space reduction for the chancel and nursery. The correct way to apply the standard is to apply the reduction to the total required parking for the church. Unfortunately, the reduction is only available when the normal parking requirement totals no more than 20 spaces. The applicant can apply the reduction to the private school, which normally requires 11.67 spaces for an enrollment of 70 students. Based on the parking requirements, a total of 48 (47.92) parking spaces are required for the church and private school. The site plan indicates that 47 parking spaces are provided. The parking must be revised to provide 48 spaces or a departure from parking and loading standards is required.
- I. Landscape Manual Requirements:** The use is exempt from the landscaping, buffering and screening requirements of the *Landscape Manual*.
- J. Zone Standards:** The proposed use meets the general requirements of the R-R Zone. No variances are required.
- K. Sign Regulations:** The site plan indicates an existing brick sign on Montgomery Road. The sign is set back over 10 feet from the street line as required by the Sign Regulations.
- L. 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.**

With the recommended conditions, the proposed use and site plan are in harmony with the purposes of the Zoning Ordinance. The purposes of the Zoning Ordinance (Section 27-102(a)) seek generally to protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the county. The subject private school will address the educational needs of children in the county. This use is consistent with the institutional use of the property, which has served the community for over 30 years.

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

With the recommended conditions, the proposed use will be in conformance with all the applicable requirements and regulations of the Zoning Ordinance. Staff notes that due to a miscalculation of the parking standard, one additional parking space is required or a departure from parking and loading standards must be granted. This requirement could also be met by eliminating four seats from the church.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.**

The proposed use will not substantially impair the integrity of the 1990 Master Plan for Subregion I. The plan recommends public/quasi-public use for the property. The school is consistent with this recommendation.

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

The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area. With respect to traffic, the Transportation Planning Section (memo dated October 11, 2004) submits that:

“The Transportation Planning Section has no recent traffic data in the immediate area with which to address the subject of transportation adequacy. Nonetheless, while 55 peak-hour trips can certainly not be dismissed as minimal, several factors contribute to a determination that the special exception would not pose a significant impact on roadways in the area. These factors include:

- “1. Students who would attend the subject private school would otherwise be attending other schools in the area. There are two other schools in the immediate vicinity of this site, one public and one private. There is a strong likelihood that students attending the subject school are already on the area roadways en route to or from one of the nearby schools or another school in the general vicinity. Any attempt to formalize the impact of xx trips would actually double-count many trips.
- “2. The private school is currently operational, according to the justification statement. Therefore, any attempt to take counts and measure an impact would result in double-counting.
- “3. The Ammendale Road/Virginia Manor Road project is fully funded and under construction in the county’s Capital Improvement Program. This project would, upon completion, route through traffic between I-95 and US 1 onto Ammendale

Road and away from Powder Mill Road. This would reduce traffic within the immediate vicinity of this site.

- “4. The Planning Board has, in previous cases, taken notice that public schools are not subjected to tests of transportation adequacy. In circumstances where private schools are proposed near public schools, the Planning Board has exercised leniency in making a transportation adequacy finding by reasoning that students would travel to school in any regard and that public and private schools should be given similar levels of public review.

“Given these factors, the Transportation Planning Section believes that there is evidence that the proposal, from the standpoint of transportation adequacy, would not have a significant impact on service levels in the immediate area.

“The proposed access and circulation onto and within the site is acceptable. The presence of the site on a corner with access onto both streets contributes to a generally safe access situation by providing maximum flexibility for access and space for some queuing, if needed, within the site.

“The site is not adjacent to any master plan transportation facilities. Adjacent roadways are appropriately sized in consideration of their function.

#### **“Findings and Recommendations**

“In consideration of the information provided in support of the application, the Transportation Planning Section finds that the special exception would not adversely affect the health, safety, or welfare of residents or workers in the area. The transportation staff is recommending no conditions at this time.”

- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.**

The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood. The subject school is currently in operation on the property. No information has been submitted that suggests the use will have a detrimental impact on the neighborhood.

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

The site is exempt from the County’s Woodland Conservation Ordinance because it contains less than 10,000 square feet of woodland and there are no previously approved tree conservation plans associated with the property. A letter of exemption was issued on March 23, 2004, and is valid for a period of two years from the date of issuance.

**CONCLUSION:**

Based on the comments submitted by the applicant and reviewing agencies. Staff recommends **APPROVAL** of SE-4499 subject to the following conditions:

1. The site plan shall be revised as follows:
  - a. One additional parking space shall be provided for the existing church if 198 seats are provided or a departure from parking and loading standards is required.
  - b. The character of the use and location of all dwellings on adjoining lots must be shown on the plan.
  - c. A note shall be added to the plan that states that church services and private school will not operate concurrently. Otherwise, additional parking will be required.