

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

June 21, 2007

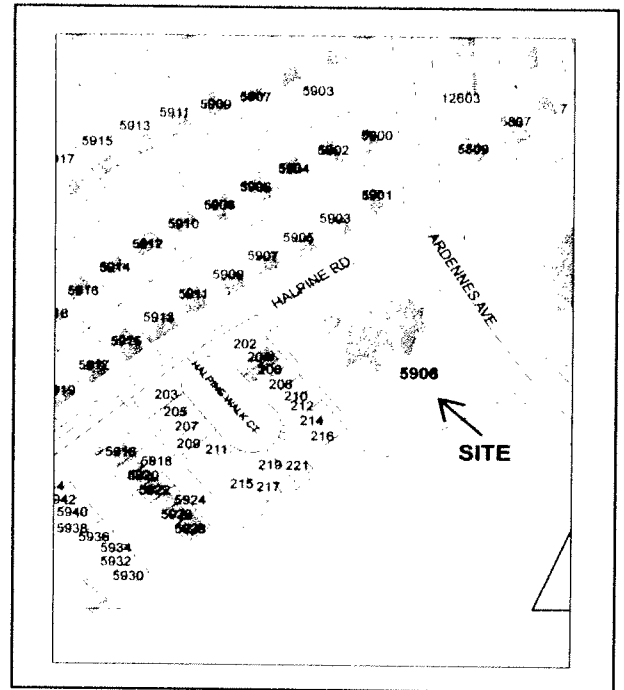
SUBJECT:

Special Exception Application SPX2007-00370

Applicant: Twinbrook Community Church
5906 Halpine Road
Rockville, Maryland 20851

Property Owner: Twinbrook Community Church
5906 Halpine Road
Rockville, Maryland 20851

Property Location: 5906 Halpine Road,
Rockville, Maryland 20851



Planning Commission Review Date: June 27, 2007

Board of Appeals Public Hearing Date: July 7, 2007

PREVIOUS RELATED ACTIONS:

Use Permit U-262-66, Halpine Baptist Church – a development proposal to construct a new church at the southwest corner of Halpine Road and Ardenne Avenue. Approved by the Planning Commission on February 2, 1966.

Use Permit U-26-76, Reverend Roy Collins (Halpine Baptist Church) - a development proposal to construct a new two-level building addition, creating a new 400 seat sanctuary, additional classrooms, meeting space, and additional on-site surface parking spaces. Approved by the Planning Commission on May 26, 1976.

SPX2001-00304, Halpine Baptist Church- A request to establish a child care center in the basement level of the existing church. Approved by the Board of Appeals on November 3, 2001.

REQUEST:

In accordance with Section 25-296 of the City of Rockville Zoning Ordinance, the applicant seeks special exception approval to establish a private elementary educational institution on the ground level of the existing church located in the R-60 (single family detached, residential) zone. The property owner is the applicant.

STAFF RECOMMENDATION:

Approval is recommend subject to the following conditions:

1. The proposed private elementary educational institution must be operated in substantial accordance as represented in the subject application request, i.e., number of classrooms and amount of floor space to be occupied, maximum number of children enrolled at the center, staffing level, days and hours of operation, etc.
2. The applicant must acquire any/all appropriate licensing from county and/or state agencies charged with regulating the operation of a private educational institution.
3. The on-site parking spaces that the church leases via "permit parking" to commuters using the Twinbrook Metro-Rail Station and others working in the surrounding area, must be clearly shown/denoted on the site plan. The required amount of parking for the school and daycare must be maintained during their hours of operation.
4. In accordance with Section 25-395(8) of the Zoning Ordinance, the "general notes" on the site plan must be amended to also list the total number of parking spaces, required and provided for the existing church, i.e., one (1) parking space for each four (4) persons for whom seating is provided in the main auditorium. The site plan also needs to be amended to show the correct parking configuration, as shown on the circulation plan.
5. The applicant must submit a construction phasing plan such that the construction activity does not interfere with the normal operation of the school and other activities on the premises.
6. The applicant must submit a Use Permit Amendment application for review and approval.

ANALYSIS:

Property Description

The subject property is approximately 1.5 acres (65,580 square feet) in size and initially developed in the mid 1960s with a one story church and accompanying site surface parking facilities. In the mid 1970s the church was expanded with a new two-level building addition, creating a new 400-seat sanctuary on the top level, with new classrooms/meeting space located on the ground level (ref. U-26-76). The existing church is undergoing interior renovations to convert the top level of the sanctuary to a youth room and storage rooms are being added for the chairs on the ground level of the sanctuary. This has lowered the capacity to 226. The Mother's Room is also being converted to a kitchen.

The property is located on the southwest corner of Halpine Road and Ardennes Avenue, in the R-60 (single family detached, residential) Zone. Vehicular access to the site is provided via

single site entrances on Halpine Road and Ardennes Avenue. There are a total of 100 on-site surface parking spaces, located in the south and west side yard areas of the property.

The church leases 75 of its parking spaces to commuters and other persons working in the site area. The spaces are leased on a monthly basis, and are made available during normal business hours, Monday thru Friday. Prospective parking lot patrons enter into an agreement to lease a space at a fixed monthly rate. A parking sticker is provided to each patron, which is to be displayed on their vehicle, indicating that the vehicle is authorized to park on the church's parking lot during specified hours (See Attachment "A").

The site is modestly landscaped, containing a mixture of mature shrubs and other planted material, installed primarily around the rear and front (street-side) areas of the church. There are also a number of large mature trees located on-site, planted along both of the site's street frontages. The church property is bounded on the north and west by single-family detached and attached dwellings respectively, on the east by industrial property owned by Avalon Bay, and on the south by the Twinbrook Metro-Rail Station parking lot (future Twinbrook Station development). The property is located approximately 500 feet northwest of Twinbrook Parkway and slightly less than a mile (4,200 feet \pm) south of Veirs Mill Road.

The Montgomery County facility to the southwest, at 12500 Ardennes Avenue, has multiple uses that includes three divisions. The first is to monitor people who have been referred by the court for substance abuse education and drug testing. The second is to facilitate community services opportunities for those with requirements, such as work crews going out to the field from the site. The third is pre-trial supervision, where reporting to the facility one day a week monitors those who are out on bond. Mental health evaluations are also performed. Approximately 500 people are currently monitored. Most activities occur Monday through Friday, although some work crews do go out on Saturday and Sunday. There is full time security on-site.

Current Site Use

Twinbrook Community Church conducts regular worship services and educational functions each Sunday morning from 10:30 a.m. to 12:30 p.m. There is a regular attendance of approximately 120 persons, consisting of adults and children. The church also meets on Wednesday nights on a semester basis for Bible study for all ages. Approximately 50 people attend these meetings.

The church holds special events from time to time such as weddings, funerals, family activities such as dinner, receptions, etc. and training events such as usher, altar ministry and new member orientation classes. These events are conducted in the evening hours at times that do not conflict with other building uses.

Twinbrook Christian Daycare is an approved program use (SPX2001-00304) and operates Monday to Friday from 6:30AM to 6:00PM with an attendance of 60 children ages 18 months to 12 years old.

Other building uses include churches and ministries that conduct weekly weekend services including River of Life Church, Tapestry Church and Ephesians Ministries.

Proposed Site Use

The applicant (Twinbrook Community Church), submits the subject special exception, a request and proposal to establish and operate a private elementary school on the ground level of the existing church with grades K-6. As per the information submitted, the proposed school's hours of operation would be 8:30 a.m. to 3:00 p.m., Monday thru Fridays, year round. The applicant notes that the center would be closed based on ten (10) major government holidays and on those days of government-declared snow days. The center is to be staffed by twelve (12) employees and have a total enrollment of one hundred and five (105) children, ranging in age starting at 5 years old to twelve (12) years old. Initially, K to 3rd grade will be available with the expansion of adding one grade per year until all grades are filled.

There are internal renovations and an expansion proposed to the existing church of 2,913 square feet, in order to establish the applicant's elementary school operation. Existing classroom space and other ancillary space located on the ground level of the building has been or will be renovated (as maybe necessary) for the elementary school's operation. The addition will house two of the six classrooms and also relocation of office space that was previously located where the remaining four classrooms will be.

The proposed elementary school will occupy floor space on the first level of the building and be accessed from the main lobby. While there are entry/exit doors located on the ground level of the church (fronting Ardennes Avenue), those doors will be used only as emergency exits. For security reasons, parents dropping-off and picking-up their children will be required to enter and exit the elementary school from the main level of the church.

There is also ample play space for both the day care and the elementary school on the external play yard area on the premises. The assembly room (which is also the sanctuary) will be used for a lunchroom and for indoor recreational space. This area has removable seating that can be configured as group seating, in clusters around tables, or as open space for play. No lunches will be provided for elementary school students (other than required milk service).

In accordance with Section 25-395 (8) of the Zoning Ordinance, a total of 78 parking spaces is required for the subject church, based on its 226-seat sanctuary, i.e., one space per each four-(4) seats provided in the main auditorium/sanctuary is required. As per Section 25-395(39) of the Ordinance, a total of 15 parking spaces is required for the 60-child day care center, i.e., one (1) parking space for each four (4) children enrolled at the center is required, either provided on-site or on the streets abutting the subject site. As per Section 25-395(14) of the Ordinance, a total of 6 parking spaces are required for the elementary school, i.e., one (1) parking space for each two (2) employees for the elementary school. In accordance with the Ordinance, sufficient on-site parking exists for both the planned and existing site uses, i.e., a total of 100 parking spaces are located on site.

Applicable Sections of the Zoning Ordinance and Staff Analysis

In accordance with Section 25-338 of the Ordinance, the Board of Appeals shall not grant any petition for a special exception unless it finds from a preponderance of the evidence of record that:

1. The proposed use does not violate or adversely affect the Master Plan (the plan), the Zoning Ordinance or any other applicable law; and

The proposed elementary school will not violate or adversely affect the plan, the ordinance, or any known laws of the City. The land use designation of the subject property as assigned by the plan is for "institutional" land usage. Based on the manner in which the applicant proposes to operate the subject school, there is no evidence that this additional institutional use, coupled with the current church operation will violate any applicable laws. The applicant has affirmed in the submission of the special exception and site use proposal that the school operation will adhere to and comply with all applicable county and/or state licensing requirements. By allowing "private educational institution" use in respective residential zones as special exception land uses, inference is made from the Ordinance that such institutional uses are appropriate in residential zones, if it can be demonstrated said use will not adversely impact surrounding land uses, within the community in which it is located.

2. The proposed use at the location selected will not: a) Adversely affect the health and safety of residents in the area; or b) Overburden existing and programmed public facilities as provided in Article XVI of this Chapter and as provided in the adopted Adequate Public Facilities Standards; or c) Overburden existing or programmed storm drainage and other public improvements; or d) Be detrimental to the use or development of adjacent properties or the neighborhood; or e) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character, and number of similar uses; and

While the proposed elementary school will be operational weekdays between the hours of 8:30 a.m. to 3:00 p.m., year round, it is not the primary use of the subject property. The church is the principal use and as previously noted, has existed at the subject location for well over thirty (30) plus years. The school operation will have a maximum enrollment of one hundred and five (105) children and a staff of twelve (12) employees. The applicant's consultant has conducted a traffic study that has been favorably reviewed by the City's traffic and transportation division.

The site has vehicular ingress/egress on two (2) public roadways, on-site parking to accommodate existing and proposed site uses, and an accessible "sheltered" drop-off/pick-up area located at one of the main entrances to the church. The site's parking lot and accompanying travelways as designed should allow for unencumbered traffic flow on and off the site. Since the site's parking area is of substantial size, people picking-up and/or dropping-off children via a

personal vehicle should not have to stand and/or backup onto either of the abutting public streets, while attempting to enter/exit the site.

The existing small play area located on the east side of the church, fronting Ardennes Avenue, will be used by the proposed elementary school. (See Exhibit "1"). Based on all available information, the physical character of the subject property will not be substantively altered, insuring that the community in which the church is located will remain relatively unchanged by the planned site use. The church will continue to operate much as it has over the past years, i.e., Sunday worship services, weekday office hours, weekly and regularly scheduled church related activities, etc.

The land use patterns of the site area appear to be well established and unlikely to be altered by the proposed school operation. Since the proposed site use is permitted in the R-60 zone only by grant of special exception, such regulatory oversight by the zoning ordinance serves to insure that there will not be a proliferation of similar land uses within the site area.

3. The proposed use complies with the requirements of the Zoning Ordinance that are applicable thereto.

In accordance with Section 25-296 of the Ordinance, the applicant submits the subject request attempting to comply with all requirements associated with the planned operation of an elementary school in the R-60 zone. The application and accompanying land use proposal as submitted complies with all applicable requirements of the Ordinance.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to surrounding property owners informing them of the application request and upcoming Planning Commission review and Board of Appeals public hearing. Notices were sent to 297 addresses located within the subject site area. A list of the addresses to which notices were sent is contained in the project's application file, available for public review and inspection. Letters were also sent to the Cambridge Walk I/II Homeowners Associations and the Twinbrook Citizens Association.

/jdz

List of Attachments

Exhibit "1" – Site Plan & Proposed floor Plan

Exhibit "2" – Existing Building Floor Plans

Attachment "A" – Permit Parking Policy

Attachement "B" – Letter from Cambridge Walk II HOA