



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 11-94

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Upper Marlboro, Maryland 20772
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File No. DSP-11015

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 20, 2011, regarding Detailed Site Plan DSP-11015 for Genesis Learning Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a day care use for 60 children and associated outdoor play area within an existing multifamily residential building complex, namely the Kent Village Apartments.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-18	R-18
Use(s)	Multifamily Residential	Multifamily Residential, Day Care
Acreage	10.30	10.30
Lots/Parcels	1	1
Square Footage	0	4,280 Proposed day care

Parking Data

No parking is required for day care centers for children within an existing multifamily development in excess of 100 units per Section 27-568 of the Zoning Ordinance. The DSP notes that the existing Kent Village Apartment community has 812 units; therefore, no parking is required.

3. **Location:** The subject property is located on the southwestern corner of the intersection of West Forest Road and Vermont Avenue in Planning Area 72 and Council District 5.
4. **Surrounding Uses:** The subject site is bounded to the east by the public right-of-way of Vermont Avenue, to the northeast by the public right-of-way of West Forest Road, and to the northwest by the public right-of-way of Pinebrook Avenue. To the south are single-family attached dwellings in the One-Family Triple-Attached Residential (R-20) Zone and to the west is the Kentland Community Center Park owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the Reserved Open Space (R-O-S) Zone.
5. **Previous Approvals:** The property, Lot 1, Block B, was originally recorded in Plat Book BB 14 @ 74 on November 13, 1947 and, according to aerial photographs, the site was developed with the existing multifamily buildings prior to 1965.

6. **Design Features:** The subject property is a rectangular shape and is developed with nine separate multifamily residential buildings and three parking lots that are accessed separately from Vermont Avenue and West Forest Road. Other parts of the Kent Village Apartment complex, with a total of 812 dwelling units, are located to the north and east across Vermont Avenue and West Forest Road. The proposed day care center for children is to be located within the basement level of a two- to three-story multifamily residential building located in the southwest corner of the site. This U-shaped residential building sits at the end of an existing parking lot, with the main entrance facing east toward the parking area, which is surrounded by other two-story residential buildings within the complex. The 4,280-square-foot day care center will be accessed internally, through the residential building. Additionally, two ramped sidewalks lead to doors that access the day care center directly on the west side of the building and provide direct access to the fenced outdoor play area, which is located between the building and the adjacent park property. The play area is to be entirely enclosed by a seven-foot-high, black, metal fence and will include a mulched area with a play structure.

No architectural, parking, or signage changes have been proposed with this detailed site plan.

7. **Zoning Ordinance:** The proposed children's day care use and outdoor play area are in conformance with Section 27-436 (R-18 Zone) and Section 27-441 (Uses Permitted in the R-18 Zone) of the Zoning Ordinance. Additionally, Section 27-419.01 (Improvements to Existing Multifamily Development) allows that, in multifamily developments existing as of January 1, 1990 in the R-18 Zone, a day care center for children may be added regardless of whether the existing multifamily development conforms to the current regulations of the Zoning Ordinance. This means that, as long as the day care center conforms to the applicable regulations of the Zoning Ordinance, the rest of the existing multifamily development is not required to be brought into conformance as part of this DSP.

The proposed day care center for children as an accessory to a multifamily development when located within an existing building is a permitted use in the R-18 Zone in accordance with Section 27-445.03(a)(1), which sets forth additional requirements for a day care center for children as follows:

- (A) **An ample outdoor play or activity area shall be provided, in accordance with the following:**
- (i) **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;**

According to this requirement, a 2,250-square-foot outdoor play area is required for 30 children, half of the proposed day care center's maximum enrollment of 60 children. The applicant indicated on the DSP that the proposed play area is over 2,300 square feet. The fenced area measurements, as shown on the plan, are approximately 6,876 square feet,

which is more than adequate to meet this requirement. A condition requiring the actual area of the play area to be added to the plan has been included in this approval.

- (ii) **All outdoor play areas shall be located on the same lot as the center 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;**
- (iii) **A greater set back from adjacent properties or uses or a higher fence may be required by the Planning Board if it determines that it is needed to protect the health and safety of the children utilizing the play area;**

The proposed outdoor play area is not located within 25 feet of any dwelling on any adjoining lot and is proposed to be completely enclosed with a seven-foot-high, black, metal, decorative-type fence. The proposed play area is located in the far corner of the apartment complex and is immediately adjacent to the existing building and proposed day care center. Therefore, a greater setback or higher fence is not necessary to protect the health and safety of the children utilizing the play area.

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

The proposed play area is located in an open grassed area, in the southwest corner of the site, west of the existing building. There are existing trees along the southern and western property lines outside of the fence and the property. There is also one existing 50-foot-high shade tree located within the northern part of the play area. All of these will provide a fair amount of shade to the play area; however, to ensure there is sufficient shade during the warmer months from the southern exposure, the Planning Board found that two shade trees should be added to the plan within the southern portion of the proposed play area. A condition requiring this has been added to this approval.

- (v) **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**

The plans indicate that the play area will be limited to daylight hours. Therefore, the play area will not be used during times of darkness and is not required to be lit.

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

The plans indicate that the outdoor play area will be restricted to daylight hours between 7:00 a.m. and 9:00 p.m.

8. **Prince George's County Landscape Manual:** The proposed day care use, as an accessory to a multifamily development within an existing building, and associated playground are exempt from the requirements of the Landscape Manual because the proposed improvements will not require a

building or grading permit, do not involve a change of use from a lower to a higher intensity use category or from a residential to a nonresidential use, and do not involve an increase in gross floor area (GFA).

9. **Woodland and Wildlife Habitat Conservation Ordinance:** The subject site is exempt from the requirements of the Woodland and Wildlife Habitat Conservation Ordinance as it has no previously approved tree conservation plan and contains less than 10,000 square feet of woodland on-site.

The current application proposes the addition of a day care center inside an existing building and the construction of an outdoor play area. The project proposes less than 5,000 square feet of disturbance and will not require a grading permit.

Because the subject detailed site plan will not require a grading permit per Section 4-273(a)(6)(A) of the Prince George's County Code, the following items are not required for this review:

- a. A natural resources inventory (NRI)
- b. A Type 2 tree conservation plan (TCP2) or a letter of exemption
- c. Demonstration of compliance with Division 3 of Subtitle 25, the Tree Canopy Coverage Ordinance

10. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—This application is not inconsistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developed Tier. The 2010 *Approved Subregion 4 Master Plan and Adopted Sectional Map Amendment* does not include specific goals, policies, and recommendations pertaining to the location and functions associated with a day care center. Day care centers for children are permitted by right in the R-18 Zone when located within an existing building in accordance with Section 27-445.03 of the Zoning Ordinance. The Subregion 4 Sectional Map Amendment retained the R-18 Zone for the subject property.
- b. **Transportation Planning**—Transportation issues regarding the apartment complex and the day care as an accessory use are discussed further in Finding 7 above.
- c. **Subdivision Review**—The site plan shows the boundary, bearings, and distances of the property as reflected on the record plat. The property is improved with apartment buildings. The site plan should have a note of the total square feet of the existing buildings on-site and that all the existing structures are to remain as proposed. The applicant submitted a detailed site plan for the development of a 4,280-square-foot day care center within the basement of an existing apartment building. No new buildings or additional gross floor area are being proposed.

Section 24-111 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for parcels with a record plat. Specifically, in this instance, Lot 1 is subject to Section 24-111(c)(4) which provides:

- (c) **A final plat of subdivision approved prior to October 27, 1970, shall be resubdivided prior to the issuance of a building permit unless:**
 - (4) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

Lot 1 has a record plat which was approved on November 13, 1947. Based on PGAtlas and the aerial photographs submitted with the application, it appears that the gross floor area of the existing buildings is more than ten percent of the total area of Lot 1. Based on the archive aerial photos of the site on PGAtlas, the apartment buildings have been in existence since prior to 1991. The site is exempt from the requirement of filing a preliminary plan of subdivision under Section 24-111(c)(4) based on the existing conditions and structures of the site provided by information in the application and PGAtlas.

To ensure that the exemption from a future requirement to file a preliminary plan of subdivision will apply to any redevelopment of the site, if the applicant proposes to raze any existing structures in the future, it is recommended that the applicant file a final plat for the site in accordance with Section 24-108 of the Subdivision Regulations for which no preliminary plan is required. The final plat will include a note to vest the exemption pursuant to Section 24-111(c)(4) as described above. There are no other subdivision issues at this time.

The applicant indicated that they have no intention to redevelop the site in the future; therefore, they do not intend to file a final plat at this time.

- d. **Department of Parks and Recreation**—The Department of Parks and Recreation indicated that the DSP has no impact on the adjacent Kentland Community Center Park.
- e. **Permit Review**—Permit Review comments are either not applicable at this time, have been addressed through revisions to the plans, or are addressed through conditions of approval of this detailed site plan.
- f. **Maryland Department of Human Resources**—The Maryland Department of Human Resources did not provide comments on the subject application.

- g. **Town of Cheverly**—The Town of Cheverly did not provide comments on the subject application.
 - h. **City of Glenarden**—The City of Glenarden did not provide comments on the subject application.
 - i. **Town of Landover Hills**—The Town of Landover Hills did not provide comments on the subject application.
11. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the Prince George's County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.

Since the site contains no regulated environmental features, the finding required by Section 27-285(b)(4) need not be made in this case.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-11015, subject to the following conditions:

- 1. Prior to certificate approval, the detailed site plan (DSP) shall be revised to show the following:
 - a. Label the actual area of the proposed enclosed outdoor play area.
 - b. Add two new shade trees within the southern portion of the proposed outdoor play area.

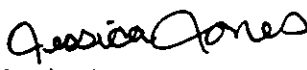
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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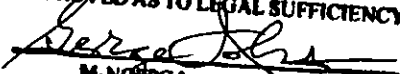
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Bailey, with Commissioners Squire, Bailey and Hewlett voting in favor of the motion, with Commissioner Cavitt abstaining, and with Commissioner Washington absent at its regular meeting held on Thursday, October 20, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of November 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:JK:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 10/25/11