

PGCPB No. 07-44

File No. DSP-02058/01 & SP-060005

R E S O L U T I O N

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 February 8, 2007, regarding Detailed Site Plan DSP-02058/01 for Queens Manor Gardens Apartments, Child Awareness Academy, the Planning Board finds:

- 1. **Request:** The subject application is for approval of a special permit for use of two units within the Queens Manor Gardens Apartments for a daycare and aftercare facility in the R-18 Zone in the Gateway Arts District.
- 2. **Development Data Summary**

	<b>EXISTING</b> R-18/DDOZ	<b>PROPOSED</b> R-18/DDOZ
Zone(s)		
Use(s)	Multifamily Residential	Multifamily Residential and Daycare/Aftercare Facility
Acreage	13.78	13.78
Lots	NA	NA
Parcel	5	5
Square Footage/GFA	338,862 (total)	338,862 (total)
Dwelling Units:	331	331

- 3. **Location:** The site is located in Planning Area 68, Council District 2. More specifically, it is situated in a subdivision known as Queens Manor Gardens, located south of Queens Chapel Road on the north side of 25<sup>th</sup> Avenue in the town of Mount Rainier.
- 4. **Surroundings and Use:** The subject site consists of three parcels, Parcels A, B and C, Block A and two parcels, Block B and C in the Queens Manor Gardens subdivision. The subject property is in the R-18 Zone in the Gateway Arts District Development District Overlay Zone (DDOZ). The site is bounded to the north by retail uses across Queen Chapel Road, to the east by the Rainer House senior center and to the west by 25<sup>th</sup> Avenue.
- 5. **Previous Approvals:** The subject site has approved DSP-02058 (PGCPB No. 0311) for Residential Revitalization for 331 multifamily dwellings in the R-18 Zone.
- 6. **Design Features:** The proposed Detailed Site Plan, DSP-02058/01, is for use of two existing multifamily dwelling units as a day care/after care facility for a total of 80 children between newborn to 12 years of age. The applicant does not propose to change the exterior of the existing

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3-story brick building. The ground floor of units 2707 and 2709 are proposed for before care and after care center. The total proposed area for the day care and after care facility is 2,285 square feet (1,545 square feet for the day care, and 740 square feet for the after care facility). There is an existing outdoor play area to the south of the proposed building which will be available for use by children in the day care facility. The applicant provided 12,000 square feet of outdoor play area, which is in excess of the 3,000 square feet normally required in residential zones. The outdoor play area has existing chain-link fence on three sides; the applicant proposes to fence the fourth side to match with the rest of the fencing.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. The subject application has been reviewed for compliance with standards in the *Approved Sector Plan Sectional Map Amendment for the Prince George's County Gateway Arts District* as modified by CR-78-2004. A property owner may request an amendment to the Development District Overlay Zone as allowed under Section 27-548.26. This application conforms to the land use recommendations for the Multifamily Residential (MRC) character area of the 2004 *Approved Sector Plan Sectional Map Amendment for the Prince George's County Gateway Arts District*. However, the application is not in strict conformance with the table of uses in the sector plan and requests a modification of the use table in accordance with the following sections of the Zoning Ordinance:

- a. **Sec. 27-548.26. (b) Amendment of Approved Development District Overlay Zone :**
- (1) **A property owner may request that the District Council amend development requirements for the owner's property, as follows:**
- (B) **An owner of property in the Development District may request changes to the underlying zones or the list of allowed uses, as modified by the Development District Standards.**

Comment: The sector plan table of uses (page 181) does not permit a day care center for children on properties of five acres or greater. The applicant requests modification to the table of uses to permit a day care center on the subject property, which technically exceeds 5 acres in size when you consider the size of the entire residential revitalization project which was approved under DSP-02058. The applicant provided a letter from Mr. Donald E. Tucker, Executive Vice President for AHD, Inc. which states: "On behalf of Queens Manor Apartments Limited Partnership I hereby request that the Gateway Arts District Use Table be amended to allow a Day Care Center as a permitted use at Queens Manor Apartments. We consider a Day Care Center to be an important amenity for our residents." Another letter provided by the applicant states Mr. Tucker's authorization for operation of a day care and after care center at Queens Manor Garden Apartments. The terms and conditions for the use and operation of these programs will be agreed upon in a "Occupancy and Use Agreement to be executed by the owner and Ms. Hyman." The staff agrees that the day care center will be a valuable service to residents and does not believe that maintaining strict conformance to the five-acre size limit would serve any public purpose in this case.

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- b. The proposed development is subject to standards of the preliminary Gateway Arts District Sector Plan and Sectional Map Amendment. The application's conformance with some of the standards warrants discussion, as follows:

**Parking and Loading, Standard 7 (Page 139):**

**“The minimum number of off-street surface parking spaces for uses other than artist studio, residential, and live/work shall be reduced 50 percent from the minimum number of required off-street parking spaces in accordance with Section 27-658(a) of the Zoning Ordinance.”**

Comment: The minimum number of off street surface parking spaces permitted for each land use type shall comply with Section 27-568(a) of the Zoning Ordinance. Departures from Section 27-568(a) will require a detailed site plan review. The applicant provides 10 parking spaces at the rear of the site in the existing parking lot. In a memorandum dated September 13, 2006, the Community Planning Division stated: “At the public hearing on the plan the City of Hyattsville recommended that the standard be changed to condition the parking reduction to the establishment of a parking district. The City of Hyattsville was concerned that the reduction in parking would result in parking on local residential streets in the City of Hyattsville. The plan was modified to reflect their concern. However, in this case, the applicant provides the parking required by the zoning ordinance although a reduction of parking spaces to 50 percent of what is required per the Zoning Ordinance falls in line with the preliminary proposal, which was not objected to by the City of Mount Rainier during the public hearing process. Also, it appears the mix of uses on this site result in complimentary parking demand wherein parking for the daycare center occurs during the day when residents are using their cars. The daycare center is closed at night and on weekends when the apartment residents are using the parking lot for their vehicles.” The applicant has met the requirements of the parking and loading standards.

**Fencing, Walls, Screening, and Buffering, Standard 3 (Page 141):**

**“Chain-link fences shall not be used as walls, fences, or screening, with the exception of enclosures for recreational courts (e.g., tennis or basketball).”**

Comment: The applicant proposes to use one of the three existing outdoor play areas for the use of children attending the day care facility by enclosing it with chain-link fence. The proposed 4-foot-high chain-link fence is not allowed by the standard referenced above with the exception of enclosures for recreational courts. Fencing Standard 2 (on page 140) of the Gateway Arts DDOZ allows only certain fences made out of wood or masonry. Applicant proposes to provide chain-link fence in order to match the existing chain-link fence on the east and south sides of the playground. Only a small portion of the proposed outdoor play area is visible from Queens Chapel Road and the play area is mostly surrounded by existing buildings 2-3 stories in height. Staff supports the applicant's proposal to provide 4 feet-high chain-link fence in the western portion of the outdoor playground in order to match the

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existing chain-link fence on the north and east of the playground. The children's play area, while not a recreational court, is a recreational area. Staff, therefore, does not object to allowing the existing chain-link fence (which is black vinyl clad) to remain, and to be added to, to complete the enclosure of the play area.

**Sign, Standard 6 (page 146, Gateway Arts District Sector Plan):**

**“All businesses shall have front and/or rear entry signage such as blade and bracket, pin letter, or flat mounted boards securely fastened to the building and oriented toward pedestrians.”**

Comment: The subject application should be in conformance with the applicable sign standards for the MRC character area. The applicant did not include a signage package for the proposed day care. The applicant is required to provide a building signage package, which meets the intent of the applicable sign standards 1, 5, 6, 7 and 8 (page 146, Gateway Arts District Sector Plan) and standards 9 and 11 (page 147, Gateway Arts District Sector Plan) in the MRC character area. The building signage for the day care should be attractive and durable to create a positive, attractive identity for the area. Oversized and freestanding signage is not permitted. Light boxes are discouraged unless they are part of an overall sign program where fonts, color and style are proposed as part of a sign program. Neon signs in the MRC character area are not allowed nor are signs lit in an excessive way that has a negative impact on the primary residential use. A condition of approval is included in the recommendation section of this report.

**Section 27-445.03 Day Care Center for Children in Residential Zones**

8. The regulations in Section 27-445.03, though not specifically applicable to day care operations in the Gateway Arts District, are referenced for guidance on requirements for day care in a similar zone.

**(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;**

Comment: The proposed daycare will have an enrollment of 80 children with ages of newborn to 12 years. The required outdoor play area for the subject site would be 3000 square feet in a conventional residential zone. The proposed outdoor play area for children is 12,000 square feet. The subject site's outdoor play area exceeds the amount required by this Section of the Zoning Ordinance.

- (ii) All outdoor play areas shall be located on the same lot as the center at least**

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**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 centrally located across from the multifamily dwelling units in this development. There is an existing 4-foot-high chain-link fence on the north and east sides of the outdoor play area. The applicant is proposing to provide additional chain-link fence on the west side of the play area with a new gate.

(iii) **A greater setback 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;**

Comment: The proposed 4-foot-high chain-link fence would be sufficient to protect the health and safety of the children utilizing the outdoor play area.

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

Comment: There are three existing shade trees in the outdoor play area, which will provide sufficient shade from the sun for the children.

(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**

Comment: The applicant stated in a respond letter that outdoor play area will not be used before or after daylight hours. A condition of approval is included in the recommendation section of this report.

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

Comment: The proposed hours of operation for this daycare facility is between 6:30 a.m. and 6:30 p.m. A condition of approval is included in the recommendation section of this report.

9. ***Landscape Manual:*** Section 1.1 Applicability of the *Landscape Manual* exempts the development from the requirements of the *Landscape Manual*, because the proposed application for a day care facility within the existing building does not involve any increase in the gross floor area (GFA) of the building. However, approved DSP-02058 included landscape plans as part of the redevelopment of the site, which plans are included in the DSP-02058/01 plans.

10. **Woodland Conservation Ordinance:** The subject site is exempt from the requirements of the Prince George's County Woodland Conservation Ordinance. The site contains less than 10,000 square feet of woodland and does not have a previously approved Tree Conservation Plan on the 5.2824-acre subject property. A tree conservation plan would not be required. The Environmental

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Planning Section issued a letter of exemption on July 14, 2006, which expires on July 14, 2008.

11. **Referral Comments:** The subject application was referred to all concerned agencies and divisions. Major referral comments are summarized as follows:

**Community Planning:** In a memorandum dated September 13, 2006, the Community Planning Division stated this application is not inconsistent with the 2002 General Plan Development Pattern Policies for the Developed Tier. This application conforms to the land use recommendations for the multifamily residential character area of the 2004 *Prince George's County Gateway Arts District Sector Plan and Sectional Map Amendment*. The Community Planning Division made detailed comments on the application's conformance to the development standards in the sector plan. All of those comments are included in Finding 7 above.

**Transportation:** In a memorandum dated July 13, 2006, the Transportation Planning Section stated the proposed use will be in an existing building and is acceptable.

**Subdivision:** In a memorandum dated July 21, 2006, the Subdivision Section stated, "it appears that no further subdivision of the property, and no increase to the existing gross floor area of the building are proposed at this time. Therefore, a new preliminary plan of subdivision is not required in accordance with Section 24-111(c)(3) of the Prince George's County Subdivision Regulations."

**Permits:** In a memorandum dated July 14, 2006 the Permit Review Section offered the following (Permit's comment in bold):

1. **This property is part of the overall Queens Manor Gardens Apartments, which was approved for as Residential Revitalization on 13.78 acres per DSP-02058. The Use Tables for the Gateway Arts DDOZ prohibits day care centers on properties of 5 acres or greater and permits them by special permit if less than 5 acres. Has a determination been made that this proposed day care will be permitted by special permit because Block C consists of 2.64 acres? If not then the property owner must request a change to the list of allowed uses in accordance with Section 27-548.09.01(b) of the Zoning Ordinance.**

Comment: The applicant has filed a special permit application and requested the Gateway Arts District Use table be amended to allow a day care center as a permitted use at Queens Manor Apartments. The proposed building units were approved for use as art studios, but were vacant for many years. The applicant stated the importance of providing a day care center for the residents of Queens Manor Apartment and the community. The staff supports the request for a change in the table of uses in this case.

2. **Since this property is part of the overall Queens Manor Gardens Apartments, which was approved under SP-02058, all previously certified site/landscape/ and detail sheets must be included in this revision.**

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Comment: The applicant provided the entire certified site plan, landscape plan and detail sheets for the subject site.

- 3. The Site Calculations on Sheet A1-1 of the certified plans must be updated to reflect the use of the proposed day care, correct zoning (R-18/DDOZ), required parking for the day care, total number of parking space required and provided for the project, and any other changes due to the proposed day care.**

Comment: The applicant included the required parking information in the general note section of the site plan. However the zoning category needs to be corrected to R-18/DDOZ. A condition of approval is included in the recommendation section of this report.

- 4. Sheet A1-1 and Sheet 1 of 2 of the Landscape Plan must be revised to show the proposed day care, the restriping of the lot as proposed, proposed fencing and the play area.**

Comment: The applicant revised the landscape plan to show the proposed day care and after care, including the restriping of the 10 proposed parking spaces for the day care. The applicant provided the detail sheet for the proposed fencing.

- 5. Day care centers require parking space for every 8 children, not one parking space per 10 children. The schedule must be revised accordingly.**

Comment: The applicant revised the general note to indicate one space per 8 children for a total of 10 parking spaces.

- 6. Is this proposal still in compliance with Section 27-445.10 of the Zoning Ordinance for Residential Revitalization?**

Comment: The proposed day care will not alter the project's compliance with Section 27-445.10 for Residential Revitalization.

- 7. A bike rack was shown in front of the community room (adjacent to the day care) on the previously certified plan and must be shown accordingly.**

Comment: A condition of approval is included in the recommendation section of this report.

- 8. Per the Applicability Section of the Gateway Arts DDOZ, only certain fences made of wood or masonry are exempt from the development district standards. Is the proposed 4-foot chain link fence for the play area permitted under Fencing Standard 3 on page 141?**

Comment: Standard 3 states: "Chain-link fences shall not be used as walls, fences or screening, with the exception of enclosures for recreational courts (e.g., tennis or basketball)." Although a chain-link fence is normally not allowed, the applicant is proposing to match the existing fence,



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which is chain-link type. The applicant's request for a modification of this standard is discussed in Finding 7 above.

**Environmental:** In a memorandum dated July 17, 2006, the Environmental Planning Section recommended approval of DSP-02058/01 and Special Permit SP-06005 for the subject site.

**Fire Department:** In a memorandum dated July 20, 2006, the Prince George's County Fire Department stated that they had no objection to the proposed site plan.

**Department of Public Works & Transportation (DPW&T):** In a memorandum dated August 31, 2006, the DPW&T stated the site is within the jurisdiction of the City of Mount Rainier; therefore, coordination with the City is required. Also, MD 500 is a State maintained roadway; therefore, coordination with the Maryland State Highway Administration is also required.

**Health Department:** In a memorandum dated August 3, 2006, the Environmental Engineering Program has reviewed the subject Detailed Site Plan and offered no comments.

**The Washington Suburban Sanitary Commission:** In a memorandum dated August 2, 2006, the WSSC provided comments, which should be addressed by the applicant during the permit review process.

**Maryland Department of Human Resources:** As of the writing of this report no comments were received from the Maryland Department of Human Resources.

**State Highway Administration:** As of the writing of this report, no comment was received from the Maryland State Highway Administration.

**The City of Mount Rainier:** As of the writing of this report no comments were received from the City of Mount Rainier.

**Town of Brentwood, Town of North Brentwood, City of Hyattsville:** As of the writing of this report no comment was received from these municipalities within a one-mile radius of the subject site.

**The Redevelopment Authority of Prince George's County:** As of the writing of this report no comment was received from the Redevelopment Authority of Prince George's County regarding the subject application.

12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan will represent a reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development from its intended uses.
13. As required by Section 27-548.25 of the Zoning Ordinance, the application is in conformance with the applicable standards of the Gateway Arts District Sectional Map Amendment with the



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exception of those standards for which a modification has been requested.

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-02058/01, subject to the following conditions:

1. Prior to certificate approval of residential revitalization Detailed Site Plan DSP-02058-01 and Special Permit SP-060005, the applicant shall make the following revisions:
  - a. Provide boundary information for the subject property including bearings and distances in accordance with the approved record plat for the property (BB 9 @ 65).
  - b. Provide the right-of-way width of all the existing streets, including the centerline and setbacks from centerline.
  - c. Provide the property's building square footage, building dimensions, height, and setbacks for all existing buildings.
  - d. Provide general notes regarding the site's zoning category, and indicate if any interior/exterior alterations are proposed with this application.
  - e. Provide correct required parking for the day care, and total number of parking spaces required and provided for the project.
  - f. Revise Sheets A-1 and sheet 1 of 2 of the landscape plan to show the proposed daycare, and the restriping of the lot as proposed.
  - g. Provide height and specification of the proposed and existing fencing for the play area in compliance with Gateway Art DDOZ fencing requirements.
  - h. Provide bike racks adjacent to the day care center, in front of the community room.
  - i. Provide the depth of the mulch and edge treatment specifications for the proposed outdoor play ground.
  - j. A note shall be added to the plans that outdoor play equipment, if provided, shall conform to the requirements of the Americans with Disabilities Act, American Society for Testing and Materials, and Consumer Products Safety Commission standards and recommendations for safety and accessibility.
  - k. Provide building mounted signage details sheet and specifications in accordance with the signage standards in conformance with the 2004 *Prince George's County Gateway Arts District Sector Plan and Sectional Map Amendment*

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- l. Provide sufficient lighting for the outdoor play area if it is used before or after daylight hours to insure safe operation of the area.
- m. Provide a note: "Outdoor play shall be limited to the hours between 7 A.M. and 9 P.M." on the site plan.

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.

\* \* \* \* \*

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 Eley, seconded by Commissioner Clark with Commissioners Eley, Clark, Squires, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, February 8, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 1st day of March 2007.

R. Bruce Crawford  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

RBC:FJG:NR:bjs