

Case No. DSP-07023-C
SP-070004

Applicant: Modular Building Company

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 5 - 2008

AN ORDINANCE to modify Gateway Arts District Development District Standards and approve a Development District Detailed Site Plan, with conditions.

WHEREAS, DSP-07023 and SP-070004 were filed with the Planning Board, to modify Gateway Arts District Development District Standards and receive approval of a detailed site plan and special permit for a one-family detached residential dwelling unit, on property designated as Lot 20, Rogers & Phillips Subdivision, described as about 0.11 acres of land in the R-55/D-D-O and IDO zones, on the south side of Emerson Street, approximately 372 feet east of its intersection with U.S. Route 1 (Baltimore Avenue), Hyattsville; and

WHEREAS, the site plan and special permit applications were received and reviewed by the Technical Staff of the Planning Board, which recommended approval of the applications, with conditions; and

WHEREAS, the property was posted, in accordance with all requirements of law, and the applications were reviewed in public hearing before the Planning Board; and

WHEREAS, after review of evidence and argument in the record, including the Technical Staff Report, the Planning Board recommended approval of the modification of development district standards and approval of the detailed site plan and special permit, with conditions, as staff had recommended; and

WHEREAS, after review of the record and the presentation in oral argument from the applicant, the District Council has determined that the applications should be approved, as recommended by the Planning Board; and

WHEREAS, to protect adjacent properties and the neighborhood, and to conform with the purposes and objectives of the Gateway Arts District Sector Plan, approval of the site plan and special permit applications is subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts as its findings and conclusions the decision of the Planning Board in PGCPB No. 07-203, with the following modifications:

A. The District Council notes that a conservation plan, CP-07006, has been approved by the Planning Board for the subject property.

B. The Council further notes that the subject property, though not in a historic district designated by the Historic Preservation Commission and District Council, lies in a historic district on the Federal Register. The record for this case reflects that Historic Preservation staff reviewed the proposed development and construction on the subject property in much the same way that staff would review a Historic Area work permit application under the procedures of Subtitle 29, and staff has recommended approval of the applications, after the applicant made modifications to its plan and design of the dwelling unit on the subject site.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County is hereby amended, by amending the Gateway Arts District Sector Plan, as it applies to the subject property in DSP-07023 and SP-070004, as follows: (a) Modify page 144 of the plan, table 1 of the Use

Table, titled Building and Streetscape Siting, to allow a one-family detached dwelling to be built 28 feet instead of 17 feet from the face of curb; and (b) modify page 195 of the plan, to allow one-family detached dwellings as a permitted use in the Neighborhood Arts Production Character Area.

SECTION 2. The detailed site plan and special permit shown in DSP-07023 and SP-070004 are hereby approved.

SECTION 3. The approvals in this Ordinance are subject to the following conditions:

1. Prior to signature approval of the plans for the project, the applicant shall:
 - a. Add the height of the dwelling of the house to the plans.
 - b. Indicate on the site plan that the alleyway is intended for one-way use.
 - c. Indicate the height of the fence to measure less than six feet.
 - d. Revise the plans to show the existing tree canopy and to include calculations of its square footage, demonstrating that it exceeds 1,253 square feet or to indicate how existing tree cover will be supplemented to meet this requirement of the 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District.
 - e. Indicate the caliper of the proposed tree will measure a minimum of 2½ inches.
 - f. Revise the architecture for the project as follows in accordance with the requirements outlined in the memorandum from the Historic Preservation Planning Section dated October 25, 2007. Such redesign shall be approved by the Historic Preservation Planning Section as designee of the Planning Board.
2. The site plan, special permit, and development district standard amendment approvals in this Ordinance shall expire, and no longer have force or effect, if DSP-07023 becomes invalid, and is allowed to expire, as provided in Section 27-287 of the Zoning Ordinance.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, and the Sector Plan amendments and detailed site plan and special permit approvals in this Ordinance, shall become effective when the applicant accepts in writing the conditions in Section 3.

Ordered this 28th day of January, 2008, by the following vote:

In Favor: Council Members Harrington, Bland, Campos, Dean, Dernoga, Exum, Knotts, Olson and Turner

Opposed:

Abstained:

Absent:

Vote: 9-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
David C. Harrington, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

Case No. DSP-07023-C
SP-070004

Applicant: Modular Building Company

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council approves DSP-07023-C and SP-070004, to approve with conditions a detailed site plan for a one-family detached residential dwelling in the R-55/D-D-O and IDO zones, with a special permit and with amendments to the Gateway Arts District Sector Plan; and

WHEREAS, the applicant has duly consented in writing to the conditions; and

WHEREAS, the District Council, having reviewed the applications and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final development district rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. SP-07023-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the Subject Property shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance. All rezoning actions approved herein shall be annulled, without further Council action, if the detailed site plan approved herein expires or becomes invalid.

SECTION 3. This Ordinance is effective on February 13, 2008, the date of receipt of the applicant's acceptance of the conditions imposed.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council