

R E S O L U T I O N

WHEREAS, City of Mount Rainier is the owner of a .33-acre parcel of land known as p/o lots 21, 22 and 23 said property being in the 17th Election District of Prince George's County, Maryland, and being zoned R-55; and

WHEREAS, on April 25, 2001, City of Mount Rainier filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for 2 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-01036, City of Mount Rainier was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on June 28, 2001, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on June 28, 2001, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Variance Application No. VP-01036A and further APPROVED Preliminary Plat of Subdivision 4-01036, City of Mount Rainier for Lots 1 and 2 with the following conditions:

1. Prior to the issuance of building permits, a limited Detailed Site Plan shall be approved by the Planning Board, or its designee, to ensure that the proposed dwelling units blend harmoniously with the historic character of neighborhood and city in general.
2. At the time of final plat, the applicant shall pay a fee-lieu of mandatory park dedication.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the south side of Arundel Road, east of 32nd Avenue in the City of Mount Rainier.
3. Environmental IssuesCA review of the information available indicates that no streams, wetlands, 100-year floodplain, or steep and severe slopes on slopes with highly erodible

soils are found to occur on this property. The site is located in the Northwest Branch watershed, which is a tributary to the Anacostia River. No adverse off-site noise impacts have been identified which would limit the development of this property for this use. The soils found to occur on this property according to the Prince George's County Soil Survey include the Codorus-Urban Land Complex series which has limitations with respect to seasonally high water tables, flood hazard and impeded drainage. A soils study may be required by the Department of Environmental Resources prior to the issuance of permits. There are no rare, threatened or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources' Natural Heritage Program. There are no scenic or historic roads in the vicinity. The sewer and water service categories are S-3 and W-3.

This site is not subject to the provisions of the Woodland Conservation Ordinance because it is less than 40,000 square feet in size and is not subject to a previously approved Tree Conservation Plan. A Tree Conservation Plan is not required, however, a Letter of Exemption is required prior to the issuance of any permits. This letter will be needed at time of application for all building permits. An approved Letter of Exemption for a site with less than 10,000 square feet of woodland has been completed by the Environmental Planning Section and is in the file.

There are no other significant environmental issues associated with this proposal.

4. Community Planning The 1994 *Planning Area 68 Master Plan* recommends single-family detached land use for this property. The 1994 Sectional Map Amendment retained the R-55 Zone for this property. The proposal is in conformance with master plan recommendations and the current zoning classification with the exception of the lot width standard.

Mount Rainier is a National Register Historic district due to its large and diverse collection of vernacular-inspired residences retaining the picturesque character of an early 20th century town or suburb. Of the 1,152 buildings in the district, 1,001 directly contribute to its character. The vast majority of the district's buildings are modestly-scaled, detached, single-family, frame houses.

New residential development should, to the greatest extent possible, reinforce the historic quality of the community. From time to time lots have been subdivided and manufactured housing resembling double-wide mobile homes have been permitted, which undermines the historic district. Consequently, infill residential development that occurs on the proposed two new lots should reinforce the varied and picturesque character of the vernacular-inspired residences.

Most of the houses have simple plans and massing and are minimally ornamented. (The same might be said of a manufactured double-wide but the end result is a significant qualitative difference that usually is not comprehended unless an elevation sketch is provided.) When used, ornamentation appears as textured sheathing materials, porch,

cornice or eave trim or the occasional use of decorative window shutters. The covered porch is a practical and decorative feature common to almost all of the houses. It usually spans at least a portion of the front facade. Additional and connected side and rear porches are also common.

The street pattern and street-lot interface are also important. Most of the houses were built prior to the advent of the car. Thus, the lots are relatively narrow and single driveway aprons usually lead to single-car garages at the rear of the house. Since the Zoning Ordinance requires parking for two vehicles, double-wide aprons generally disrupt the pattern of the street. Similarly, paving of front yards to accommodate parking for vehicles more dramatically disrupts the integrity of the pattern of the residential street.

For these reasons staff recommends limited Detailed Site Plan approval be required prior to issuance of building permits to ensure that the infill residential development reinforces the character of the historic district rather than undermine it.

5. Parks and RecreationCThe site is subject to the requirements of Section 24-134 of the Subdivision Regulations for mandatory park dedication. However, the size and location of land available for dedication is unsuitable for park purposes. Therefore, staff recommends a fee-in-lieu of park dedication be required.
6. TrailsCThe master plan shows an existing bikeway along Arundel Road. Bikeways are not necessarily dedicated bike paths or bike lanes, but, as in this case, are local streets which connect to dedicated trails. Typically, the Planning Board has required applicants in this situation to provide a financial contribution to the Department of Public Works and Transportation for the placement of a bikeway sign on the street. However, Arundel Road is a city-maintained street. Since the city is the applicant, no further action is required.
7. TransportationCThe proposed development of two additional lots would generate 2 AM and 2 PM peak-hour vehicle trips as determined using *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*. The traffic generated by the proposed subdivision would impact traffic operations at the MD 500/31st Place intersection, which is unsignalized. Staff has no recent counts at this location. The portion of MD 500 (Eastern Avenue) and MD 501 operates marginally within established capacity/level-of-service standards. There is little approved but unbuilt development in the area, and none which would affect turning movements at the MD 500/31st Place intersection.

The staff has determined that 2 AM and 2 PM peak hour trips generated by the site are sufficiently minor that they would have a de minimus impact on peak-hour traffic operations at this location.

Based on the foregoing discussion, adequate access roads will exist as required by Section 24-124 of the Prince George's County Code if the application is approved

pending resolution of questions concerning the easements serving the three proposed lots. The transportation staff is not recommending conditions at this time.

8. Schools CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2001) (CR-4-1998). The proposed subdivision is exempt from the APF test for schools because it is proposes fewer than 36 dwelling units and is in a Revitalization Tax District.
9. Fire and Rescue CThe Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Mount Rainier Fire Station, Company 3, located at 4051 34th Street, has a service response time of 1.14 minutes, which is within the 5.25-minute response time guideline.
 - b. The existing ambulance service at Mount Rainier Fire Station, Company 3, has a service response time of 1.14 minutes, which is within the 6.25-minute response time guideline.
 - c. The existing paramedic service at Brentwood Fire Station, Company 4, located at 3712 Utah Avenue, has a service response time of 1.33 minutes, which is within the 7.25-minute response time guideline.

The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service. These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

10. Police Facilities CThe proposed development is within the service area for Police District I-Hyattsville. In accordance with Section 24-122.01(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing county's police facilities will be adequate to serve the proposed City of Mount Rainier development. This police facility will adequately serve the population generated by the proposed subdivision.
11. Health Department CThe Health Department reviewed the application and offered no comments.
12. Stormwater Management CThe property is in the City of Mount Rainier and under the city =s stormwater management jurisdiction. On-site stormwater controls may not be necessary; the proposed lots will most likely tie into the existing public storm drain system. To ensure that development of this site does not result in on-site or downstream

flooding, technical approval of a stormwater management plan will be required prior to the issuance of building permits.

13. Public Utility Easement The proposed preliminary plan includes the required 10-foot-wide public utility easement. This easement will be reflected on the final plat.
14. Lot-Width Variance The proposal requires a variance for lot width at the front building line. Section 27-442 of the Zoning Ordinance requires a minimum lot width of 65 feet at the front building line; the proposed lots have only 50 feet of width at the building line. A variance of 15 feet is required. The applicant has filed a companion variance application, VP-01036-A, seeking the required variance.

Section 27-230 of the Zoning Ordinance sets forth the required findings for approval of variance requests. The applicant's justification statement partially addresses the required findings. The applicant noted that part of Lot 23 is landlocked and therefore unbuildable. The applicant argues that this creates the hardship. Staff disagrees with this argument, but is persuaded by other arguments and supports the variance request. A variance may only be approved if:

- a. **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions.** Comment: The property itself is not exceptional in any way. It is a relatively flat, rectangular property. However, extraordinary conditions exist in this area. The vast majority of the lots in this area are narrow, 40B50 feet in width. At first, these lots were also much deeper. A tributary to the Northwest Branch runs east-west on the opposite side of Arundel Road. This tributary regularly flooded and a large concrete drainage ditch was constructed to prevent such flooding. This drainage ditch includes two 6-foot-high concrete walls. To construct the drainage ditch, Arundel Road had to be relocated. The relocation took the front portion of the two lots, making them shallower than the prevailing lot depth in the neighborhood. Since the lots were owned by the city at the time, the normal compensation was not issued.
- b. **The strict application of the Zoning Ordinance will result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of the property.** Comment: The approval of this variance will enable the applicant to create two lots with identical lot widths and size to virtually every other lot in the area. The strict application of the lot-width standard will deny the applicant rights granted to other properties in the area, namely the right to have a single-family home on a lot with 50 feet of frontage at the building line. In staff's opinion, this is a hardship.
- c. **The variance will not substantially impair the integrity of the General Plan or Master Plan.** Comment: The master plan recommends single-family detached dwellings for this property and the Zoning Ordinance classifies the

property in the R-55 Zone. The minimum lot size in the R-55 Zone is 6,500 square feet. At more than 7,200 square feet, the lots meet Zoning Ordinance minimum size requirements, are in line with master plan recommendations, and represent infill development that will harmonize with existing development. The integrity of the master plan is not impaired by this approval, it is fulfilled.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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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 Brown, seconded by Commissioner Eley, with Commissioners Brown, Eley Lowe and Hewlett voting in favor of the motion, and with Commissioner Scott absent at its regular meeting held on Thursday, June 28, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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