

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 July 21, 2005, regarding Detailed Site Plan DSP-05009 for Chitlin Market Restaurant, the Planning Board finds:

1. The subject application is for the conversion of an existing single-family residence into a sit-down restaurant with incidental carryout service at 5711 Ager Road in the City of Hyattsville. The site is zoned C-S-C and is within Subarea 3 of the West Hyattsville Transit District Overlay Zone (TDOZ) where a sit-down restaurant is permitted. The property is within 1,000 feet of the West Hyattsville Metro Station. The site is surrounded by existing residential uses to the north and east, vacant C-S-C property to the west, and Ager Road to the south.
2. Development Data Summary

	<b>EXISTING</b>	<b>PROPOSED</b>
Zone(s)	C-S-C	C-S-C
Use(s)	Vacant Residence	Restaurant With 8 Seats
Acreage	5,289 sf	5,289 sf
Lots	1	1
Parcels	0	0
Square Footage/GFA	1,561	1,561

**Required Findings for a Detailed Site Plan in the Transit District Overlay Zone (TDOZ)**

3. **The Transit District Site Plan is in strict conformance with any Mandatory Development Requirements of the Transit District Development Plan;**

The detailed site plan is in conformance with all mandatory development requirements to the extent that the existing structure and other on-site improvements on the site are not intended to be altered to the strict requirements of the TDDP.

P-1 requires a 14-foot pedestrian zone and build-to line with an eight-foot-wide sidewalk adjacent to the building and a six-foot-wide green area along the curb. However, P-44 states that the build-to line as shown in the Districtwide Streetscape Sections, Figures 8 and 9, shall not apply to Subarea 3. The existing structure, which is not being modified on the exterior, is 17.5 feet from the curb. Existing conditions provide for a five-foot-wide sidewalk along the curb and a 12.5-foot green area between the sidewalk and the existing structure.

Amendment to P1—The applicant has requested an amendment to the part of P1 that requires an

eight-foot-wide sidewalk adjacent to the building and a six-foot-wide green area along the curb. The applicant has indicated that they do not intend to alter the existing site conditions. Currently, there is an existing five-foot-wide sidewalk along the curb and a 12.5-foot-wide green area between the sidewalk and the existing structure. Since the lot is only 43 feet wide, it would be out of character with the other existing development along Ager Road to require the applicant to conform to this TDDP requirement at this time. The proposed amendment will benefit the proposed development and the Transit District by maintaining a consistent streetscape for the time being and will not substantially impair implementation of the Transit District Development Plan.

P-2 requires a sign plan to be approved by the Planning Board at the time of detailed site plan approval. The applicant has provided one sign consisting of a retractable canvas awning attached to the front porch. The sign spans the length of the porch and is two feet high with one-foot-high lettering. The plan details should be revised to include dimensions for the signage.

P-7, 8 and 9 refer to parking requirements for the Transit District. For each use, a parking cap is required. No minimum amount of parking spaces is required to be provided. The Transportation Planning Section has indicated, in a memorandum dated July 5, 2005 (Masog to Wagner), that “the TDDP does not require that any spaces be provided for this type of use. It does appear that there is on-street parking available along adjacent Ager Road.” The Zoning Ordinance would require three parking spaces for the restaurant, based on one space for every three seats. The two additional spaces that would be required if the Zoning Ordinance were applicable can easily be provided on Ager Road. The City of Hyattsville, in a letter dated June 15, 2005 (Mayor Gardiner to Chairman Hewlett), is “concerned that the proposal (as of June 6) lacked adequate parking and other information and that traffic flow and the neighborhood would be negatively impacted (blocked traffic lanes, double-parking, blocked neighborhood driveways, etc.).” The Planning Staff has no evidence to suggest that these types of problems would occur with the type and size of restaurant proposed, i.e., a small sit-down restaurant with eight seats with incidental carryout. Moreover, the site is in close proximity to the Metro Station, where it can take advantage of a significant amount of pedestrian traffic.

P-46 states that the “existing residential dwellings shall be used solely for residential purposes until such time that they are redeveloped in accordance with this TDDP.” The Community Planning Division, in its June 15, 2005, memorandum (O’Conner to Wagner), states that “the intent of the mandatory requirement is to facilitate a coordinated redevelopment of the subarea via parcel assembly. The intent is not to develop or redevelop individual residences into separate piecemeal commercial activities.” The Urban Design Staff is not able to conclude, based on available evidence, that this requirement must be interpreted as restrictively as is suggested by the Community Planning Division. The requirement does appear to allow redevelopment of each individual lot as long as they are redeveloped in accordance with the TDDP. The applicant has made every attempt possible to meet those requirements. The Community Planning Division goes on to state that “the timing for redevelopment of Subarea 3 in conformance with mandatory development standard P46 is unlikely in the next five or more years. Consequently, the Chitlin Market may serve as an appropriate interim use.

4. **The Transit District Site Plan is consistent with, and reflects the guidelines and criteria contained in the Transit District Development Plan;**

The site consists of an existing residential structure with existing sidewalks and a driveway. The applicant intends to convert the structure to a sit-down restaurant with incidental carryout. The structure is in good shape and only minor modifications are provided, such as a handicap ramp, screen fencing, signage and additional landscaping for screening purpose. The improvements to the structure and the site are consistent with the guidelines and criteria contained in the Transit District Development Plan.

5. **The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone and applicable regulations of the underlying zones;**

The existing zone is C-S-C, where a sit-down restaurant with incidental carryout use is permitted in the Transit District Overlay Zone. The plan meets all the applicable regulations of the underlying zone and requirements of the TDOZ with the exception of signage. The applicant proposes to provide a canopy on the front of the structure with lettering on the canopy advertising the restaurant. The dimensions of the signage should be in conformance to Part 12 of the Zoning Ordinance and should be provided prior to certification of the plan.

6. **The location, size and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency and are adequate to meet the purposes of the Transit District Overlay Zone;**

The restaurant is to be located in an existing residential structure with an existing driveway and sidewalks along Ager Road. Minor modifications are proposed such as the provision of a handicap ramp and trash enclosure. The interior of the building will be modified to incorporate a kitchen, dining area and office space on the second floor. The existing driveway will serve as a loading area; however no loading space is required because the gross floor area is less than 2,000 square feet. Parking is not required (see Finding 3 for further information). Fencing and landscaping have been provided in accordance with the requirements of the TDDP. Signage has been discussed in Finding 5 above. The existing structure as well as the additional improvements to the site are adequate to meet the purposes of the Transit District Overlay Zone.

7. **Each structure and use, in the manner proposed, is compatible with other structures in the Transit District and with existing and proposed adjacent development.**

The applicant intends to convert an existing residential structure to a sit-down restaurant with incidental carryout, keeping the building and grounds residential in appearance and character. There are no modifications proposed to alter the appearance to the building that would make it out

of character with the adjacent residential homes to the north and to the east. The property directly adjacent to the west of the site is a vacant lot zoned C-S-C.

No additional parking spaces, other than the existing driveway, are provided that would alter the character of the existing yards. Other than a canopy sign and handicap ramp to the rear of the structure, there are no other exterior improvements that make the use incompatible with adjacent residential uses.

Subarea 3, where the site is located, is zoned C-S-C. A sit-down restaurant use with incidental carryout is permitted in the C-S-C Zone. The TDDP specifically provides for buffering and screening (P45) between proposed commercial uses and the adjacent residential uses along 29<sup>th</sup> Avenue and Jamestown Road, but not between uses within the Subarea. It was anticipated that eventually all the properties in the subarea would be converted to commercial uses and that the uses would be compatible in nature. The applicant has attempted to provide screening and landscaping from the adjacent residential uses with the provision of a six-foot-high screen fence on three sides of the subject property and a combination of deciduous and evergreen plant material where space allows. Where the fence extends into the front yard, the fence should be lowered to four feet high so as not to obstruct views along the street and create a wall-like appearance around the property. Details of the fence should be provided on the site plan.

8. 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. The applicant has indicated that a trash enclosure will be provided on the site to screen trash cans from the public. Details of the trash enclosure should be provided prior to certification of the Detailed Site Plan.

#### **Referrals:**

9. In a memorandum dated May 17, 2005 (Metzger to Wagner), the Environmental Planning Section offered the following comments:

The Environmental Planning Section has reviewed the above referenced detailed site plan for the Chitlin Market Restaurant, DSP-05009, stamped as received by the Countywide Planning Division on May 12, 2005. The Environmental Planning Section recommends approval of the Detailed Site Plan (DSP-05009), with no environmental conditions.

#### **BACKGROUND**

The Environmental Planning Section has no records of previous applications for this property. The subject property is currently developed and contains less than 10,000 square feet of woodlands on site.

#### **SITE DESCRIPTION**

This 0.1214-acre site in the C-S-C Zone is located on the east side of Ager Road, approximately, 200

feet south of 29<sup>th</sup> Avenue and Kirkwood Place. A review of the available information indicates that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils are not found to occur on this property. Roadway-related noise associated with the subject property is Ager Road, an arterial. The soils found to occur, according to the Prince George's County Soil Survey, is in the Elsinboro series. These soil series have limitations with respect to steep slopes but will not affect the site layout. According to available information, Marlboro clay does not occur on this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Southwest Branch watershed of the Patuxent River basin. The subject property is located within the West Hyattsville Transit District Overlay Zone and in the Developed Tier as reflected in the approved General Plan.

**Environmental Issues Addressed in the West Hyattsville Transit District Overlay Zone (TDOZ).**

Specific sector plan recommendations related to the environmental elements that apply to the TDOZ include stormwater management, stream restoration, wetlands, air quality, 100-year floodplain, noise, and woodland conservation. Because of the small size of the subject property, and because there are no environmental features on site or nearby, all applicable mandatory requirements from the approved Transit District Development Plan for this site have been addressed.

**ENVIRONMENTAL REVIEW**

As revisions are made to the plans submitted, the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

1. A forest stand delineation (FSD) was not submitted with this application and generally not required. The subject property is developed, and according to the 2000 aerial photographs, there is no woodland on site.

**Comment:** No additional information is needed with regard to the forest stand delineation

2. This property is not subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the site is less than 40,000 square feet and there are less than 10,000 square feet of existing woodland. A Type I tree conservation plan was not submitted with the review package and is not required. A standard letter of exemption (S-

033-05) from the Ordinance was issued by the Environmental Planning Section, Countywide Planning Division, dated February 2, 2005.

**Discussion:** No further action is needed at this time as it relates to woodland requirements. The

letter of exemption should accompany all future applications for plans and permits.

3. Noise impacts have been identified on this site, which should be addressed. The subject property abuts Ager Road, an arterial and major noise roadway with a noise impact zone (65 dBA Ldn noise contour) extending approximately 340 feet from the center of the roadway using the Environmental Planning Section noise model. Because the use proposed is commercial in a C-S-C Zone, this level of noise is below the state noise standard.

**Comment:** No further additional information is required.

4. A stormwater management concept approval letter (CSD 6460-2005-00) dated April 4, 2004, was submitted with the subject application. The requirements for stormwater management will be addressed during subsequent reviews by the Department of Environmental Resources.

**Comment:** No further information regarding stormwater management is required at this time.

10. In a memorandum dated May 28, 2005 (Rea to Wagner), the Department of Environmental Resources (DER) indicated that the site plan is consistent with the approved stormwater concept 6460-2005-01.

11. In a memorandum dated July 6, 2005 (Thompson to Wagner), the Subdivision Section offered the following comments:

“The property is the subject of record plat SDH 3@54, Tax Map 41, Grid E4. It is located in Block B, Lot 6, Section 1 of the Green Hill Park subdivision plat approved January 17, 1927. The existing building is in violation of the 25-foot building restriction line noted on the record plat. While not required, the applicant may want to file a 24-108 plat to remove the building restriction line. Any new development is subject to the building restriction reflected on the original 1927 plat.”

12. In a letter dated June 15, 2005 (Mayor Gardiner to Chairman Hewlett), the City of Hyattsville offered the following comments:

“The Hyattsville City Council voted on June 6, 2005, to request that the Prince George’s County Planning Board delay approval of DSP-05009, Chitlin Market Restaurant permit application to convert a single-family residence at 5711 Ager Road into a sit-down and carry-out restaurant. The Council is concerned that the proposal (as of June 6) lacked adequate parking and other required information, and that traffic flow and the neighborhood would be negatively impacted (blocked traffic lanes, double-parking, blocked neighboring driveways, etc.) if the project is approved as presented. The Council requests that M-NCPPC work with the city and the applicant to resolve these issues or identify a more suitable location for a restaurant.

“While the city recognizes that 5711 Ager Road is zoned for commercial use, we believe that the current zoning is incompatible with the surrounding residential area. It is our understanding that the 2005 West Hyattsville Transit District Development Plan (TDDP) will propose to change the existing zoning from commercial to residential.

“The Hyattsville City Council has listened to comments and concerns from our Planning Committee, neighbors of the proposed location, and the business owner, Shauna Anderson. Residents and neighbors are concerned the project provides almost no parking and that adjoining residential and restaurant uses are not compatible. The city welcomes Ms. Anderson’s business; however, given the information received, we have concerns regarding its location at 5711 Ager Road.”

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-05009, subject to the following conditions:

1. Prior to certification of the detailed site plan, the following revision shall be made:
  - a. The six-foot-high fence shall be reduced to four feet high in the front yard.
  - b. A ten-foot-wide landscaped bufferyard shall be provided along the rear property line. The proposed four Norway Spruce trees shall be located within the ten-foot bufferyard.
  - c. A detail of the proposed fence shall be provided.
  - d. Dimensions shall be provided for the proposed signage.
  - e. The trash enclosure shall be shown 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 Vaughns, with Commissioners Eley, Vaughns, and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, July 21, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of September 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

TMJ:FJG:GW:rmk