

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 October 25, 2007, regarding Detailed Site Plan DSP-07023 for Rogers and Phillips, Lot 20, the Planning Board finds:

1. **Request:** The subject application is for approval of a single-family detached dwelling unit in the R-55/DDO/IDO Zone and to add single-family detached units as a permitted use to the Use Table in the Neighborhood Arts Production Character area land use as identified in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

2. **Development Data Summary:**

	Existing	Proposed
Zone	R-55/DDO/IDO	R-55/DDO/IDO
Uses	Vacant	Single-family residential
Acreage (in the subject SDP)	.11 acre	.11 acre

3. **Location:** The subject project is located at 4507 Emerson Street in Hyattsville on the southern side of Emerson Road approximately 350 feet east of its intersection with Baltimore Avenue. The project is also located in Council District 5, Election District 16 and Planning Area 68.
4. **Surroundings and Use:** The subject site is surrounded to the south and east by single-family dwelling units, to the west by a single-family unit with a funeral home beyond, and to the north by a consolidated storage facility and an automobile repair shop.
5. **Design Features:** The proposed single-family house is to be located 28 feet back from Emerson Street on a small, 4,823-square-foot lot. A 19-foot-wide concrete pad intended to provide two parking spaces is located on the 10-foot-wide alley that runs to the rear of the lot. The architecture of the house is uninspired, offering minimal and unbalanced fenestration and utilizing black asphalt shingles, grey vinyl siding, with white vinyl trim. Gray concrete stucco is utilized for the ground story and, due to the topography of the site, is visible only for a half-story on its front, but for a full story on its rear. A small portico, with white wood railing on each side of the entrance stoop, marks the front access point. The house sits into a hill such that only half of the ground story is visible from the front of the house, while the entire ground story is visible from the back with a rear entrance door.

COMPLIANCE WITH EVALUATION CRITERIA

6. **Zoning Ordinance:** The subject detailed site plan is in general compliance with Sections 27-441, Uses Permitted in Residential Zones, and Section 27-442, Regulations for Development in Residential Zones.

Section 27-548.26 provides that the District Council may approve amendments to the underlying zone or the list of approved uses of an approved Development District Overlay Zone (DDOZ) via a detailed site plan application in accordance with the procedure outlined in Section 548.25 of the Zoning Ordinance. In addition, the proposed project is unable to entirely conform to the requirements laid out in the development district standards suggested for this DDOZ. Therefore, the applicant is requesting flexibility in the standards and Planning Board approval of a modification pursuant to Part 10 A, Division 3, due to unique circumstances. More particularly, the modification would be:

- A 28 foot rather than a 17 foot setback for the building.

In order to ensure that another modification need be applied for, staff is recommending a condition that the shade tree shown on the subject property measure a minimum caliper of 2 ½ to 3 inches.

7. **Landscape Manual:** The proposed project is subject to the requirements of Section 4.2 of the *Landscape Manual*. Staff has reviewed the submitted plans in accordance with the applicable sections of the *Landscape Manual* and found the application to be in basic compliance with those sections.

8. **The 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District (The Plan):**

Section 27-548.26 provides that the District Council may approve amendments to the underlying zone or the list of approved uses of an approved Development District Overlay Zone (DDOZ) via a detailed site plan application in accordance with the procedure outlined in Section 548.25 of the Zoning Ordinance.

The subject application is located in the Neighborhood Arts Production Character Area (NAP) as defined in *The Plan*. As per page 195 of *The Plan*'s Use Table, one-family detached dwellings are not a permitted use in the NAP Character Area. In addition, the proposed project is unable to entirely conform to the requirements laid out in the development district standards suggested for this DDOZ. Therefore, the applicant is requesting flexibility in the standards and Planning Board approval of a modification pursuant to Part 10 A, Division 3, due to unique circumstances. More particularly, the requested modification would be:

- Building and Streetscape Siting (Table 2, page 145)—the applicant is requesting a 28-foot build-to line instead of the 17-foot build-to line suggested by the Table.

Urban Design Comment: The request to design to a 28-foot build-to line instead of the 17-foot build-to line, would not in this case circumvent the goals and objectives of the plan, because the application is limited to the construction of only one single-family detached dwelling and its requested build-to line matches that of the similar one-family units in the vicinity of the subject site.

9. **Woodland Conservation Ordinance:** In comments dated July 17, 2007, the Environmental Planning Section stated that the site is exempt from the requirements because it is undeveloped and contains no qualified woodland. Further, they stated that the required letter of exemption had been issued from their office on August 29th, 2006, and simply requested that a copy of the letter be submitted with the subject review package and noted that a copy of the letter must be submitted with future permit applications.
10. **Referral Comments:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized as follows:
 - a. **Historic Preservation**—In comments dated June 26, 2007, noting that the proposed project is located in the National Register Historic District, the Gateway Arts District and CBCA, the Historic Preservation Planning Section stated that the proposed project has no effect on historic resources.
 - b. **Archeological Review**—In a memorandum dated July 6, 2007, the Historic Preservation and Public Facilities Section stated that a Phase I archeological survey would not be recommended on the project because a search of current and historic photographs, topographic and historic maps, the locations of currently known archeological sites indicates the probability of archaeological sites within the subject property is low. They mentioned, however, that there are two historic archeological sites, 18PR96 and 18PR390, within a one-mile radius of the subject property. In addition, there are two National Register properties, 10 historic sites, and 3 historic resources, within a one-mile radius of the subject property. In closing, they noted that Section 106 of the National Historic Preservation Act may require an archeological survey for state or federal agencies. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. This review is required when state or federal monies, or federal permits are required for a project.
 - c. **Community Planning**—In a memorandum dated July 2, 2007, the Community Planning North Division stated that the application was not inconsistent with the 2002 General Plan Development Pattern policies for the Developed Tier. Further, noting that the proposal does not impair the integrity of the Gateway Arts District Overlay Zone, they stated that it does not conform to the land use recommendations for arts production space, artist live/work space, and small-scale technical research and development of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.

- d. **Transportation**—In comments dated June 25, 2007, the Transportation Planning Section stated that Emerson Street is a substandard street at 30-foot right-of-way but is within the City of Hyattsville and the city may waive their need for additional right-of-way to be provided. Nonetheless, no structures are proposed within either the existing right-of-way or a possible standard right-of-way of 50 feet. In closing, they stated that, outside of the minor issue regarding the substandard street, the plans are acceptable as presented.
- e. **Subdivision**—In a memorandum dated July 12, 2007, the Subdivision Section stated that the subject property is consistent with the record plat for this property which is recorded in the land records at Plat Book A, Plat 16.
- f. **Trails**—At the time of this writing, the senior trails planner has not offered comment on the subject project.
- g. **Permits**—In a memorandum dated July 3, 2007, the Permit Review Section, at the outset of their comments, stated that because the property is located within the Gateway Arts District and the Arts Production and Entertainment (APE) Character Area, single-family dwellings are not permitted and therefore, the District Council must specifically allow the use, and the use must be designed to standards required by the Planning Board. Further, they requested the applicant revise their plans as follows:
- Include a note stating that the project is included in the Chesapeake Bay Critical Area Overlay Zone and that it particularly falls within the Character Area of “Neighborhood Arts Production Area” within the area covered by the plan.
 - Provide the height of the dwelling on the site plan.
 - Provide the height of the fence and the materials to be used.
 - Provide the full dimensions of the driveway, including length.
 - Include information regarding the construction materials of the front façade.
- h. **Environmental Planning**—In a memorandum dated July 17, 2007, the Environmental Planning Section offered preliminary comments, reserving the right to offer further comments once revised plans had been received. As preliminary comments, they stated that their section had no records of previous applications for the property, and that the application is for the construction of a single-family dwelling. They further noted that the subject property by virtue of its location in the Chesapeake Bay Critical Area, requires approval of a conservation plan before the approval of a grading permit. Therefore, they noted that the concurrent review of CP-07006 is ongoing.

In describing the site, they noted that it measures .11-acre, is zoned R-55, and is located on

the south side of Emerson Street east of Baltimore Avenue. Further, they stated that a review of the available information on the property indicated that streams, wetlands, 100-year floodplain, severe slopes, and areas of steep slopes with highly erodible soils or Marlboro clays are not found to occur on the property. Likewise, they noted that noise is not a major consideration in the review because Emerson Avenue is a collector roadway and generally not regulated for noise. They also noted that the Prince George's County Soil Survey indicated that the principal soil on the site is Elsinboro soil series, which poses no significant difficulties to development. According to information obtained from the Maryland Department of Natural Resources National Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of the property, nor are there any designated scenic and historic roads in the vicinity of the application. Lastly, they noted that the subject property is located in the Northeast Branch watershed of the Anacostia River basin and in the Developed Tier as reflected in the 2002 General Plan. With respect to the Countywide Green Infrastructure Plan, they noted that the site is not located within the designated network of the Plan.

With respect to the Gateway Arts District Sector Plan, the Environmental Planning Section made the following comments regarding the environmental elements (stormwater management and woodland conservation) of the sector plan as they relate to the subject project:

- They noted that an approved Stormwater Management Concept Approval Letter had been submitted with the application, and, because the total disturbed area is less than 5,000 square feet, the proposal is exempt from the stormwater management requirements per Section 4-320 of the Countywide Stormwater Management Ordinance. Therefore, they stated that no further information would be required with respect to stormwater management.
- With respect to woodland conservation, they stated that the subject property, because it contains no qualified woodlands, is exempt from the requirements of the Woodland Conservation Ordinance. Noting that the site has an approved letter of exemption from the Environmental Planning Section, dated August 29, 2006, the Environmental Planning Section stated that a copy of the letter was submitted with the review package and that a copy of the letter of exemption must be submitted with future permit applications
- With respect to the incorporation of low-impact development design features and the implementation of green building techniques that include the latest environmental technologies, the Environmental Planning Section stated that these requirements do not apply to the subject property because it is a single-family detached residential structure and the project proposes less than 5,000 square feet of disturbance.
- Likewise, with respect to county and state Smart Growth initiatives and the policies

and strategies of the General Plan and the enhancement of the existing green infrastructure plan, the Environmental Planning Section stated that the site does not contain any green infrastructure element and is not located in the green infrastructure network.

- As to seeking opportunities to create new connected green infrastructure elements, they stated that the subject property is not located adjacent to a designated green corridor and does not contain woodlands, wetlands or sensitive species habitat.
 - With respect to tree cover requirements, they stated that the application proposes a residential use and is subject to the 26 percent tree cover canopy requirement. Further, they stated that the subject plan does not indicate canopy coverage of existing trees or provide the required tree calculations and since every attempt must be made to meet this requirement, it should be shown and offered the following calculations: The lot is 4,823 square feet in size and the requirement is for tree cover of 1,253, which could be met through planting of 6 to 7 large shade trees or through the use of existing tree canopy and made a suggestion of a condition to make sure this requirement is met. Such condition is included in the recommendation section of this report.
 - With respect to attempts to decrease impervious surfaces, the Environmental Planning Section stated that the proposed impervious surface area is proposed at .038 acre or 27 of the total lot coverage, where the permitted lot coverage is 30 percent. Therefore, the requirement has been met.
 - Regarding the suggestion that micromanagement stormwater treatment methods be utilized, they stated that the subject site is exempt from stormwater management requirements.
- i. **Fire Department**—In a memorandum dated July 18, 2007, the Prince George's County Fire Department offered comment on the need for accessibility of fire apparatuses from public streets, the design of private roads, fire lane denotation and required location and performance of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—With respect to roads, DPW&T deferred to the jurisdiction of the City of Hyattsville. With respect to stormwater management, they stated that the stormwater management plan indicated on the detailed site plan is consistent with approved concept plan number 36352-2006, issued on November 27, 2006, with an expiration date of November 27, 2009.
- k. **Washington Suburban Sanitary Commission (WSSC)**—In comments dated June 25, 2007, the WSSC stated that water and sewer is available to the site, but the applicant should revise its plan to show the proposed water connection tied into the existing eight-inch water main.

1. **Hyattsville**—In a letter dated July 20, 2007, the Mayor of the City of Hyattsville stated that while they were generally supportive of the subject application, they would recommend the following:

- Revise the front elevations such that the porch is
 - (1) Level with the interior floor level;
 - (2) The porch level is no higher than 3 feet 6 inches above finish grade at the front elevation
 - (3) Enlarge the column width to a minimum of 6 inches by 6 inches or 8 inches to 12 inches in diameter.
- Extend the porch to the width of the upper level, and support the gable by brick bases to a height of approximately 3 feet 6 inches above the porch floor.
- Install a brick façade on all sides of the lower level and the lower portion of the front upper level.
- Provide revised elevations for all four sides of the house indicating actual dimensioned finish grades and floor levels.

Urban Design Comment: The applicant has submitted a revised application that addresses/does not address the City of Hyattsville's comments as noted:

- That the porch is extended, but not to the entire width of the upper level.
- Brick veneer is indicated on the watertable of the front façade, but not on the entire front nor on all sides of the lower level, nor on the brick bases that support the gable.
- The revised elevations do not indicate actual dimensioned finish grades and floor levels so it is impossible to determine if the porch is level with the interior floor level and if the porch level is no higher than 3 foot 6 inches above finish grade at the front elevation.
- The column width has not been enlarged to a column width to a minimum of 6 inches by 6 inches or 8 inches to 12 inches in diameter.

Staff has included recommended conditions below that would improve the quality of the architecture of the proposed single-family dwelling to the standards set by the City of Hyattsville.

- m. **Riverdale Park, Brentwood, Edmonston, North Brentwood, Cottage City, Bladensburg, Colmar Manor**—At the time of this writing, these municipalities, located within a mile of the subject site, have not provided comment on the subject project.
- 10. As required by Section 27-285(b), 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.

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-07023 and Special Permit SP-070004, subject to the following conditions:

- 1. Staff recommends APPROVAL of the following alternative district standard of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*:

P.144. Table 1. Building and Streetscape Siting (to allow the single-family dwelling to be built 28 instead of 17-feet from the face of curb).

- 2. Staff recommends Approval of Detailed Site Plan DSP-07023 and Special Permit SP-070004, subject to the following conditions:

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 2 ½ 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.

3. Staff recommends that the Planning Board recommend to the District Council that the Use Table of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* be amended, specifically that the District Council amend page 195 of that plan, to allow one-family detached dwellings in the Neighborhood Arts Production Character Area as a permitted use.

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Cavitt and Clark voting in favor of the motion, and with Commissioner Parker opposing the motion at its regular meeting held on Thursday, October 25, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of November 2007.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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