

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 September 26, 2019, regarding Detailed Site Plan DSP-09013-01 for Quincy Manor, the Planning Board finds:

1. **Request:** The subject application requests to amend the previously approved residential revitalization detailed site plan (DSP) for townhouses, and validate the existing multifamily development that was built in the early 1950s on the subject site. No development is proposed with this application.

This application also includes variance requests to the following sections of the Zoning Ordinance:

- Section 27-442(d), lot frontage at the front building line on Parcel M; 2.2 feet from the 125 feet requirement;
- Section 27-442(e), front yards on proposed Parcels L, M, and N; 4.7 feet, 4.9 feet, and 4.4 feet, respectively from the 30-foot requirement;
- Section 27-442(g), distance between unattached multifamily dwellings on proposed Parcels L, M, and N; 31.7 feet, 26.6 feet, and 26.3 feet, respectively from the 50 feet requirement;
- Section 27-442(h), for overall density in the Multifamily Medium Density Residential (R-18) Zone; 9.96 dwelling units per acre above the maximum of 12.

In addition, this application includes a companion Departure from Parking and Loading Spaces DPLS-473, for a reduction of 647 off-street parking spaces from the requirements of Section 27-568 of the Zoning Ordinance, for the entire development.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	R-18/R-35/D-D-O	R-18/R-35/D-D-O
Use(s)	Platted single-family attached residential and a community building, including a police substation	Semi-detached residential, multifamily residential*
Lots	404	-
Parcels	7	7
Units	404	371*

Parking Data

Required	
371 units @ 2 spaces per unit	742
291 units with bedrooms in excess of one per unit @ 0.5 space	146
Total	888
Provided	
Standard spaces (Pre-1970 standards 9'x 20')	224
Compact spaces (8' x 16.5')	17
Total	241**
On-street parking spaces	180***

Notes: * A total of 371 dwelling units have been constructed on the site since the 1950s in various building types.

** DPLS-473 was approved by the Planning Board on the same date as recorded in PGCPB Resolution No. 19-106.

*** There are 180 existing on-street parking spaces that have been used by the residents in the subject development. These on-street parking spaces were allowed to count towards the parking requirements when the existing buildings were constructed.

3. **Location:** The property is located in Planning Area 69 and Council District 5. More particularly, the subject property is located on the north and south sides of Newton Street, Madison Way, and on the east and west sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue.
4. **Surrounding Uses:** The subject property is bound to the west by multifamily residential units in the R-18 Zone, in the Town of Bladensburg; to the east by single-family detached houses in the One-Family Detached Residential Zone, in the Town of Cheverly; to the north by the Newton Green senior multifamily project in the R-18 Zone; and to the south by multifamily residential units (Monroe South Parke Cheverly Apartments) in the R-18 Zone, and several semidetached residential units in the One-Family Semidetached, and Two-Family Detached, Residential (R-35) Zone.
5. **Previous Approvals:** The subject site is known as Quincy Manor and Monroe Gardens, currently also known as Cheverly Gardens for marketing purposes, and is recorded in Plat Book MMB 236, 14–22. The 2009 *Approved Port Towns Sector Plan and Sectional Map Amendment* (Port Towns Sector Plan and SMA) retained the property in the R-18 and R-35 Zones and superimposed a Development District Overlay (D-D-O) Zone on the northeast portion of the property.

The site has a Preliminary Plan of Subdivision 4-08022, which was originally approved by the Prince George's County Planning Board on December 4, 2008, then reconsidered and approved on April 9, 2009, with the amended resolution of approval (PGCPB Resolution No. 08-178(A)) adopted by the Planning Board on the same day. This PPS approved 411 lots and 7 parcels for the construction of single-family attached (townhouse) dwelling units, which were platted.

Subsequently, DSP-09013 was approved on January 21, 2010, for 404 single-family attached (townhouses) dwelling units and a 1,680-square-foot community building, including a 197-square-foot police substation. None of the townhouses have been constructed. Only the community building approved with that DSP has been constructed on the site.

The site has a previously approved Stormwater Management Concept Plan No. 33617-2007-00. Since there are no improvements proposed with this DSP and no disturbance of any part of the site, no new concept plan is needed.

6. **Design Features:** This DSP application seeks to remove the recorded townhouse lots, and revert the entire site to a larger parcel layout to reflect the existing on-site brick multifamily residential buildings. No development is proposed with this application.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Development District Overlay (D-D-O) Zone Standards of the 2009 Approved Port Towns Sector Plan and Sectional Map Amendment:** The northeast portion of the property is located within the D-D-O Zone of the Port Towns Sector Plan and SMA. However, since there are no improvements proposed with this DSP, in accordance with Exemption 3 (page 151) of the sector plan, the multifamily development is exempt from the D-D-O Zone standards.
8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the applicable requirements of the Zoning Ordinance, as follows:
 - a. The subject application is in conformance with the requirements of Section 27-441(b) of the Zoning Ordinance, which governs permitted uses in all residential zones. The existing semi-detached and multifamily buildings were built as permitted uses in the R-18 and R-35 Zones.
 - b. The proposal to validate the existing residential buildings on the site that were built in the 1950s but do not possess valid use and occupancy (U&O) permits, does not meet several requirements of Section 27-442, regarding regulations in residential zones. The applicant has requested variances to Section 27-442, as discussed below.
 - c. Variances: The existing development consists of semi-detached and multifamily garden apartment buildings that cannot meet the specific requirements of Section 27-442.

Proposed Parcel M cannot meet Section 27-442(d)'s requirement of 125 feet of lot frontage at the front building line. The existing buildings only provide 122.8 feet and therefore, a variance of 2.2 feet is requested.

Proposed Parcels L, M, and N cannot meet Section 27-442(e)'s requirement for 30-foot front yards. The existing buildings have setbacks of 25.3 feet for Parcel L, 25.1 feet for Parcel M, and 25.6 feet for Parcel N. The applicant requests a variance of 4.7 feet, 4.9 feet, and 4.4 feet for Parcels L, M, and N, respectively.

Proposed Parcels L, M, and N cannot meet Section 27-442(g)'s requirement for distance between unattached multifamily dwellings. Technically, the semi-detached buildings in Parcels M and L are not subject to these requirements. The existing buildings have distances between each, varying from 18.3 feet to 23.4 feet. Variances of 26.3 feet to 31.7 feet are requested.

In addition, Section 27-442(h) sets the density at 12 dwelling units per acre in the R-18 Zone. The existing R-18 zoned portion has an overall density at 21.96 dwelling units per acre. Therefore, a variance of 9.96 dwelling units per acre is requested.

Section 27-230(a) of the Zoning Ordinance establishes three specific criteria for granting variances, as follows:

(a) **A variance may only be granted when the District Council, Zoning Hearing Examiner, Board of Appeals, or the Planning Board as applicable, finds that:**

(1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

In this instance, the extraordinary situation arose as a result of amendments to the zoning regulations after construction of the affected buildings. For example, in 1955 the Zoning Ordinance required only 100 feet of lot frontage width, which the subject lots meet. Since the property cannot be certified as a nonconforming use and has a previously approved DSP, the applicant is seeking validation of existing conditions to obtain approval of a U&O permit through an amendment to the previously approved DSP. No development is proposed in this application, and the buildings in question have existed since the 1950s.

(2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Without the requested variances, the applicant will not be able to seek approval of a valid U&O permit for the existing residential units. As a result, continuous use of the existing buildings will be an illegal operation for the property owner, which would be an exceptional hardship.

(3) **The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.**

Allowing reduction, for example, in the minimum lot width at the front building line will have no effect on the overall project's conformance with the intent, purpose, and integrity of the Plan Prince George's 2035 Approved General Plan or master plan. The subject site is in conformance with the regulations that were in place at the time of construction in the 1950s. No development is proposed with this application and the applicant is simply seeking validation of the existing site conditions to obtain a valid U&O permit.

In summary, for all proposed variances as discussed above, the three required findings have been made and the Planning Board approved the listed variances for this site.

d. Since no improvements are proposed in this DSP, no site design guidelines have been

used to review this application.

9. **Preliminary Plan of Subdivision 4-08022:** Preliminary Plan of Subdivision (PPS) 4-08022 was approved by the Planning Board and the amended resolution of approval (PGCPB Resolution No. 08-178(A)) was adopted on April 9, 2009, for 411 lots and 7 parcels, for the construction of single-family attached dwelling units, with 13 conditions. The conditions of the PPS are relevant to the townhouse development only. The applicant has filed a Vacation Petition, V-18007, in accordance with Section 24-112 of the Subdivision Regulations, concurrent with this application, to vacate the subdivision approval. The vacation petition was approved on the same date with this DSP. The conditions of PPS 4-08022 are no longer applicable to this site.
10. **Detailed Site Plan DSP-09013:** DSP-09013 was approved by the Planning Board on January 21, 2010, for 404 single-family attached dwelling (townhouse) units and a 1,680-square-foot community building, including a 197-square-foot police substation, with five conditions. After the approval of DSP-09013, the community building was constructed, in conformance with that approval. Subsequently, the ownership of this development changed. The current owner does not want to proceed with the townhouse development, and instead wants to return the site to its pre-DSP conditions. Since this amendment to the previously approved DSP seeks to rescind the approved townhouse development, none of the conditions are applicable to the review of this DSP.
11. **2010 Prince George's County Landscape Manual:** The subject DSP proposes no improvements and is to validate the existing site conditions only. In accordance with Section 1.1, Applicability, this DSP is not subject to the requirements of the Landscape Manual.
12. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site is not subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because it contains less than 10,000 square feet of woodland and has no previously approved tree conservation plans. Therefore, no further action regarding woodland conservation is required.
13. **Prince George's County Tree Canopy Coverage Ordinance:** Since this application does not include improvements or disturbances, it is exempt from the requirements of the Tree Canopy Coverage Ordinance.
14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Transportation**—The Planning Board reviewed a memorandum dated June 17, 2019, incorporated herein by reference, which provided no transportation comments on either the site plan, or any accompanying variances given the limits of the DSP.

The plan raises no active transportation (bicycle and pedestrian) issues by virtue of the site reverting from previously approved and planned development to the existing site conditions. Any issues were written into conditions on the PPS.

The Planning Board approved DPLS-473 and concurred with the applicant that all findings for approval have been met. The Planning Board further concluded that from the standpoint of transportation, it is determined that this plan is acceptable and meets the findings required for a DSP as described in the Zoning Ordinance.

- b. **Subdivision**—The Planning Board reviewed a memorandum dated June 27, 2019, incorporated herein by reference, which stated that the site is the subject of PPS 4-08022, which is relevant to the townhouse development only, and the applicant has filed a Vacation Petition V-18007, in accordance with Section 24-112, concurrent with this application, in order to vacate the subdivision approval. The vacation petition was approved, and the conditions of PPS 4-08022 are no longer applicable, and a new final plat reflecting the vacated land area will be required to be consistent with the DSP.
 - c. **Environmental Planning**—The Planning Board reviewed a memorandum dated May 17, 2019, incorporated herein by reference, which stated that the site is currently developed with multifamily residential units that are apartments and contains no regulated woodlands; however, the site contains dozens of large trees that are in extremely good condition for this urban setting. These trees were evaluated as part of the previous applications for approval of townhouses.
 - d. **Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not offer any comments regarding the subject project.
 - e. **Town of Bladensburg**—The Town of Bladensburg did not offer any comments regarding the subject project.
 - f. **Town of Colmar Manor**—The Town of Colmar Manor did not offer any comments regarding the subject project.
 - g. **Town of Edmonston**—The Town of Edmonston did not offer any comments regarding the subject project.
 - h. **City of Hyattsville**—The City of Hyattsville did not offer any comments regarding the subject project.
 - i. **Town of Cheverly**—The Town of Cheverly did not offer any comments regarding the subject project.
15. Based on the foregoing analysis and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9, of the County Code without requiring unreasonable cost and without detracting substantially from the utility of the proposed development for its intended use.
16. As there are not any regulated environmental features located on the subject project and no

improvements proposed in this DSP, the required finding of Section 27-285(b)(4) that regulated environmental features are preserved and/or restored to the fullest extent possible need not be made for the subject project.

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 Variances to Section 27-442(d), (e), (g) and (h), for Parcels L, M, and N and to Section 27-442 (h), for overall density of 21.75 dwelling units per acre, and further APPROVED Detailed Site Plan DSP-09013-01 for the above described land, subject to the following condition:

1. Prior to certification of this detailed site plan, the following revisions shall be made, or the following information shall be provided:
 - a. Revise the site plan to provide accurate plat recording references for the areas included in the site.
 - b. Obtain the approval of the Vacation Petition V-18007.

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 26, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of October 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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