



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 11-95

File No. DSP-10033

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 20, 2011, regarding Detailed Site Plan DSP-10033 for Hyattsville Mennonite Church, the Planning Board finds:

1. **Request:** The subject application requests approval to renovate a portion of the building, expand the basement level, add a handicap-accessible ramp, and three porches.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-55/D-D-O	R-55/D-D-O
Use(s)	Church	Church
Acreage	0.84	0.84
Parcels	1	1
Building Square Footage/GFA	6,757	8,077

OTHER DEVELOPMENT DATA

	REQUIRED	APPROVED
Total parking spaces	35	38

3. **Location:** The site is in Planning Area 68, Council District 2. More specifically, it is located at 4217 East-West Highway in Hyattsville, on the southern side of East-West Highway, approximately 180 feet west of its intersection with 43rd Avenue, in Hyattsville, Maryland.
4. **Surrounding Uses:** The subject site is surrounded to the north, south, east, and west by single-family detached residential units and to the north by East-West Highway (MD 410), with single-family detached residential development beyond.
5. **Previous Approvals:** The site is not subject to any previous approvals.
6. **Design Features:** Ingress and egress to the site is existing via two one-way driveways located on either side of the church. The entrance to the site is along the eastern portion of the project's East-West Highway (MD 410) frontage and the exit is along the western portion of that frontage. Four parallel parking spaces exist along the entrance drive and seven 45-degree-angled parking spaces

are provided along the exit drive. The remainder of the 38 parking spaces existing on the site is located at the rear of the building.

The existing façades of the church were designed with a horizontal emphasis and, a line of windows under the eaves on the side elevations and extensive additional glazing on the north and south elevations. The predominant architectural material employed in the existing architecture is brick, with mullions for the windows and two arching areas of wood siding on the north elevation. The existing roof is composed of asphalt shingle. The proposed improvements to the church fit well with the existing architecture and include:

- North/Front Elevation—
 - A 25x32-foot portion of the building will be demolished (but will retain the current roofing system) and be rebuilt with a covered porch and a basement expansion below. The exterior finish material utilizes painted metal supports and mullions.
 - A single-wood door.
 - An ADA-accessible ramp with metal handrail.
- South/Rear Elevation—
 - A 130-square-foot rear porch with copper roofing and siding, with a metal guard rail
 - Steps and stoop, with all external sheathing in brick to match the existing church
 - An eight-square-foot sign utilizing stainless steel letters.
- West/Right Side Elevation—
 - The above referenced 25x32-foot renovation of the building occurs at the southern end of this elevation.
 - Portions of the south and north porches are visible from this view.
- East/Left Side Elevation—
 - An enlargement of the areaway (approximately 310 square feet) is proposed in order to get more light into the basement-level, enlarging the existing windows along the exposed lower level. A proposed roof will cover an enlarged areaway.
 - A portion of the above-referenced south elevation rear porch is visible from this view.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the One-Family Detached Residential (R-55) and Development District Overlay (D-D-O) Zones and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the requirements of Section 27-441, which governs permitted uses in residential zones. The proposed church is a permitted use in the R-55 Zone, though use in this case is also governed by the applicable use table of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.
 - b. The proposal is also in conformance with the requirements of Section 27-442, Regulations, regarding additional regulations for development in residential zones, except those regarding a minimum lot size of one acre and a required 25-foot front yard setback, from which the applicant has requested variance. See Finding 11 below of this approval for a detailed discussion of that variance request.
8. **The 2004 Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District:** The subject property is located within the Traditional Residential Neighborhood (TRN) character area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*. Two salient distinctions with respect to the applicability of the plan are that church use is generally prohibited in the TRN character area and that Zoning Ordinance requirements replace those of the development district standards of the Gateway Arts District Sector Plan and Sectional Map Amendment (SMA).

Per the 2004 Gateway Arts District Sector Plan and SMA, a church is not a permitted use within the TRN character area. However, the church has maintained a valid use and occupancy permit and has been in continuous operation since the date of approval of the sector plan. On page 140, the plan states:

3. **Legally Existing Development.** Until a site plan is submitted, all buildings, structures and uses that were lawful or could be certified as a legal nonconforming use on the date of the SMA approval are exempt from the development district standards and from site plan review and are not nonconforming. *If expansion of the use on the existing site is proposed, a site plan would be required and all expansion would need to conform in order to meet the development standards.*

Furthermore, page 141 states in part:

- 8.b. ...a property owner may not expand a certified nonconforming use, or a use or structure that was lawful on the date of the SMA approval but does not conform to the standard, *unless a detailed site plan is approved with findings*

that the expansion is compatible with adjacent uses and meets the goals of the sector plan.

In addition, Footnote 2 on page 144 of the sector plan, states that R-55-zoned properties within the TRN character area within the incorporated City of Hyattsville and therefore, are exempt from the development district standards and will abide by the requirements of the R-55 Zone.

The subject site including the use as a church and the building was a legally existing development on the date of SMA approval. The applicant proposes to expand the building by approximately 1,320 square feet, 19.5 percent of the existing gross floor area (GFA). Therefore, a detailed site plan is required.

9. **The Prince George's County Landscape Manual:** A review of the plans indicates that the site is subject to the requirements of Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual*. Further review reveals that the application meets the requirements of Sections 4.4 and 4.9. However, because the application does not entirely conform to the requirements of Sections 4.2 and 4.7, the applicant has requested alternative compliance pursuant to Section 1.3 of the Landscape Manual. Such case has been reviewed and recommended for approval herewith. The details of that recommendation follow:

Alternative Compliance is requested from the requirements of the 2010 *Prince George's County Landscape Manual* for Section 4.2 Requirements for Landscape Strips along Streets, along East-West Highway, and Section 4.7, Buffering Incompatible Uses, along the eastern and western property lines.

Location

The subject site is located on the south side of East-West Highway (MD 410), approximately 180 feet west of its intersection with 43rd Avenue, in Hyattsville, Maryland, within the Developed Tier.

Background

The applicant has submitted a detailed site plan application for approval of minor building additions (measuring 1,320 gross square feet), and improvements to an existing church. Parcel 113 measures approximately 36,460 square feet, 0.837 acres, and is zoned R-55 (One-Family Detached Residential) and D-D-O (Development District Overlay) within the Traditional Residential Neighborhood (TRN) Character Area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*. The site is subject to the 2010 *Prince George's County Landscape Manual* because a footnote on page 144 of the sector plan exempts R-55 zoned sites in the TRN Character Area, within the incorporated City of Hyattsville, from the development district standards and makes them subject to the Zoning Ordinance requirements for the R-55 Zone.

The site is bounded to the south, east, and west by single-family dwellings, to the southwest by the right-of-way of Carrollton Terrace, and to the north by the right-of-way of East-West Highway (MD 410). The site is currently improved with a one-story, church with basement with a gross floor area of 6,757 square feet; a detached, one-story, shed; and two asphalt driveways serving parking compounds located at the sides and rear of the church building. A DSP is required for the proposed building additions and improvements per page 140 of the sector plan. The site is subject to Sections 4.2., Requirements for Landscape Strips Along Streets, 4.7, Buffering Incompatible Uses, and 4.9, Sustainable Landscaping Requirements of the 2010 *Prince George's County Landscape Manual* because there is an increase in gross floor area of more than ten percent. The subject application is exempt from the requirements of Section 4.3, Parking Lot Requirements, because the proposed site improvements do not result in an increase in the number of parking spaces and the parking compound was built prior to 1972 and conforms to the standards in effect at that time. The applicant has filed this request for Alternative Compliance from Section 4.2 to allow for a reduced landscaped strip between the public right-of-way and the existing building, and Section 4.7 to allow for a reduced bufferyard and building setback between the existing parking areas and buildings and the adjacent single-family detached dwellings.

REQUIRED: 4.2 Requirements for Landscape Strips along Streets, along the East-West Highway and Carrollton Terrace frontages

Length of frontage, excluding driveways	175 feet
Option Selected	1
Landscape Strip Width	10 feet
Shade Trees Required (1 per 35 l.f.)	5
Shrubs Required (10 per 35 l.f.)	50

PROVIDED: 4.2 Requirements for Landscape Strips along Streets, along the East-West Highway and Carrollton Terrace frontages

Length of frontage, excluding driveways	175 feet
Option Selected	1
Landscape Strip Width	0 - 10 feet
Shade Trees	3
Ornamental/Evergreen Trees	4
Shrubs	53

REQUIRED: 4.7 Buffering Incompatible Uses adjacent to single-family detached dwellings.

Length of bufferyard	558 feet
Minimum building setback	40 feet
Landscape yard	30 feet
Bufferyard occupied by in ex. trees	72 percent
Fence or wall	Yes (partial)
Plant Units (120 per 100 l.f.)	159*

**Partial 50 percent reduction in plant material requirement given due to the provision of a privacy fence*

PROVIDED: 4.7 Buffering Incompatible Uses adjacent to single-family detached dwellings.

Length of bufferyard	558 feet
Minimum building setback	33 feet
Landscape yard	4-30 feet
Bufferyard occupied by in ex. trees	72 percent
Fence or wall	Yes for 364 feet
Plant units	161*

**Partial 50 percent reduction in plant material requirement given due to the provision of a privacy fence*

Justification

The underlying detailed site plan application proposes the addition of 1,320 of gross floor area to the basement level of the existing church. This will be in the form an expanded basement, under an existing roofed area in the southwest corner of the existing church building. Additional site improvements include a proposed side porch over an expanded areaway, on the east side of the building that provides access to the basement and a proposed rear porch, stoop, steps and landing on the southern side of the building. The site is a long, narrow, rectangular lot, with the majority of the property already developed with the church building, and paved areas that are to remain unchanged.

The applicant is requesting Alternative Compliance from Section 4.2, Requirements for Landscape Strips along Streets, of the 2010 *Prince George's County Landscape Manual*, along the site's frontage of East-West Highway and Carrollton Terrace. The applicant chose Option 1 for a landscape strip in the Developed Tier from Section 4.2, which requires a minimum ten-foot-wide landscape strip, planted with one shade tree and ten shrubs per 35 linear feet of street frontage, excluding driveway openings. The existing church building, which was built in 1952, is located in the central northern portion of the site, within two feet of the right-of-way of East-West Highway. The right-of-way expanded in the 1960's, at which time an approximate 45-foot-wide strip of land was taken from the northern portion of the property. The applicant is requesting approval of a reduced landscape strip of zero to ten feet wide to accommodate the existing building and paved

areas around the entrance drives. The applicant proposes to provide the required number of trees and shrubs; however, two of the shade trees are set back approximately 15 feet from the right-of-way on either side of the building and two of the ornamental trees are setback approximately 15 feet from the right-of-way in the northeastern and northwestern corners of the site. Given the facts that the existing nonresidential use and building have existed on this site since the 1950's, that the narrowness of the area between the building and the right-of-way was created by a road expansion done in the 1960's, and that the required number of plants are being provided within close proximity to the ten-foot landscape strip, the Alternative Compliance Committee finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.2 of the 2010 *Prince George's County Landscape Manual*.

The applicant is requesting Alternative Compliance from Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual*. A Section 4.7, Type 'C' bufferyard, which requires a 40-foot building setback and a 30-foot landscaped yard, is required along the eastern, southern and western property boundaries adjacent to existing single-family detached dwellings. The applicant is asking for relief due to the location of the existing building and parking areas and is requesting approval of a reduced building setback of 33 feet and a reduced, variable 4 to 30-foot-wide landscaped yard. It should be noted that the reduced building setback and landscape yard width represent the existing building and paving conditions on-site and are not being created or increased by the proposed building expansion.

The applicant proposes a six-foot-high wooden board-on-board fence for 364 feet, a total of 161 plant units, and the preservation of 18 existing trees, with diameters ranging from six to 45 inches, along the eastern, southern and western property lines. The proposed fence, on the applicant's property, can be used to justify a 50 percent reduction in the proposed plant units. The proposed wooden fence is similar in design and materials to the existing wooden fences on adjacent surrounding properties and blends with the residential character of the neighborhood. Given the addition of a sight-tight fence along the majority of the property line, the proposed removal of various invasive plants on-site, and the addition of new plants where possible without endangering the multiple existing large trees on the property, the Alternative Compliance Committee finds the applicant's proposed alternative compliance measures to be equally effective as normal compliance with Section 4.7 of the 2010 *Prince George's County Landscape Manual*.

The landscape plan contains some minor labeling and graphical errors that the Committee recommends should be corrected as part of this approval prior to the certification of the detailed site plan.

The Planning Board APPROVED the request for Alternative Compliance for Section 4.2 along the East-West Highway (MD 410) and Carrollton Terrace frontages, and Section 4.7 of the 2010 *Prince George's County Landscape Manual*, for Hyattsville Mennonite Church, Parcel 113 subject to a single condition.

10. **Woodland and Wildlife Habitat Conservation and Tree Canopy Coverage Ordinances:** The Planning Board found that the site is exempt from the Woodland and Wildlife Habitat

Conservation Ordinance because it is less than 10,000 square feet in size and has no previously approved tree conservation plans. Tree canopy calculations required by the Tree Canopy Coverage Ordinance have been included on Sheet 5 of the plan set. Such calculations indicate that, whereas 15 percent tree canopy coverage is required, 44 percent (or 16,221 square feet) is proposed, meeting and exceeding the requirement.

11. **Variance Request:** The applicant requests a variance from Section 27-442(a)(e) of the Zoning Ordinance which requires that development in the R-55 Zone maintain a minimum 25-foot setback, and from Section 27-441 which requires that church uses in the R-55 Zone be located on sites that measure a minimum of one acre in size. Section 27-230 of the Zoning Ordinance contains the following required findings for variance applications. Each standard is listed in bold face type below, followed by Planning Board comment:

- (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;**

Applicant's Justification: The applicant stated in the justification statement for the variance request dated September 12, 2011, that the Hyattsville Mennonite Church was built in 1952, prior to the widening of East-West Highway (MD 410) by the State Highway Administration (SHA) and that the church, at that time, met both of the requirements for which it now seeks relief. However, as a result of an eminent domain action in the late 1960's, Hyattsville Mennonite Church lost approximately a 45-foot-wide strip along its frontage or approximately 16 percent of its lot area, leaving the church building set back only approximately two feet from the front property line on a 0.837-acre site. Further, they claim that the eminent domain action creating the nonconformance is an extraordinary situation, supporting their request for variances.

The Planning Board finds that the eminent domain action, which reduced the front yard setback and the size of the lot was indeed an extraordinary situation that would enable the Planning Board to make this required finding.

- (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**

Applicant's Justification: The applicant states in their justification for the variance request dated September 12, 2011 that it is impossible to meet the subject requirements of the Zoning Ordinance without demolishing the existing building and purchasing more land, and that the variance will not substantially impair the intent, purpose, or integrity of the master plan.

The Planning Board finds that requiring the applicant to demolish the building and/or buy additional land would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property.

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

Applicant's Justification: The applicant stated in their justification for variance requests dated September 12, 2011 that the Hyattsville Mennonite Church has coexisted peacefully in the neighborhood for over 50 years, with no adverse effects and that the proposed changes to the building do not intensify the use of the property.

The Planning Board finds that the variance will not substantially impair the intent, purpose, or integrity of the General Plan or master plan. The proposed improvements will enhance the existing building.

In summary, the subject property has an extraordinary situations or conditions that justify approval of the aforementioned variances. Due to the prior eminent domain action, the size of the property has been reduced to below one acre and the front setback has been reduced to approximately two feet which is significantly less than the required 25 feet. The applicant desires to continue the use of the property as an established church and proposes to make several minor revisions to the site and building elevations that will improve visually the appearance of the site. Granting the relief requested would not substantially impair the intent, purpose or integrity of the General Plan or Master Plan, while denying the variance request would result in a practical difficulty upon the owner of the property. The Planning Board granted the variances from both the required setback and lot size requirements as discussed above.

12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—Historic Preservation stated that the subject request will have no effect on identified historic sites, resources, or districts in the county.
 - b. **Archeological Review**—Historic Preservation stated that a Phase I archeological survey would not be recommended on the subject site. Further, they stated that the subject property, currently occupied by a church building and parking lots, had previously been disturbed by grading and that a search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low.
 - c. **Community Planning**—Community Planning stated that, while the application is consistent with the 2002 *Prince George's County Approved General Plan Development*

Pattern policies for the Developed Tier, it does not conform to the land use recommendations for the Traditional Residential Neighborhood character area of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*. Please see Finding 8 for a detailed discussion of the subject project's conformance to the development district standards of the 2004 Gateway Arts District Sector Plan and SMA.

d. **Transportation Planning**—The Planning Board adopts the following:

- (1) The use is a longstanding use on an existing unsubdivided parcel. There are no prior approvals on this site. The changes would have little effect on the traffic intensity of the site.
- (2) It is noted that the site is adjacent to East-West Highway (MD 410), which is a master plan arterial facility with a planned right-of-way of 120 feet. East-West Highway is currently constructed within a right-of-way that is approximately 85 feet at this location. Therefore, the ultimate right-of-way as identified in the 2009 *Approved Countywide Master Plan of Transportation* extends approximately 12.5 feet beyond the existing property line. It is noted that all improvements to structures proposed by this plan are outside of the ultimate right-of-way. For this reason, the ultimate right-of-way is not an issue for the approval of this site plan.
- (3) Access and on-site circulation are unchanged from the existing situation, and are acceptable. Therefore, it is determined that the subject project meets the criteria of site plan approval from the standpoint of transportation, as noted in Subtitle 27 of the Prince George's County Code.

e. **Subdivision Review**—The Planning Board adopts the following:

The property is known as Parcel 113, located on Tax Map 42 in Grid B-2, and is 36,459 square feet. Parcel 113 is an acreage parcel never having been the subject of a record plat. The site plan shows the boundary of the lots as reflected on the tax map. The property is improved with a 6,757-square-foot church. The site plan should note that the existing structure is to remain. The applicant submitted a detailed site plan for a 1,320-square-foot addition for a side porch and basement.

Section 24-107 of the Subdivision Regulations provides for exemptions from the requirement of filing a preliminary plan of subdivision for acreage parcels. Specifically, in this instance, Parcel 113 is subject to Section 24-107(c)(7)(D) which provides:

- (c) **The following shall be exempt from the requirement of filing a subdivision plat, except for any portion of land within a Chesapeake Bay Critical Area Overlay Zone unless otherwise noted below:**

- (7) **Any subdivision of land by deed of a lot prior to January 1, 1982, provided:**
- (D) **The development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.**

The property is a deed parcel. The total property land area is 36,459 square feet and the existing development gross floor area (GFA) on the property is 6,757 square feet (18.53 percent of the total land area). Based on the aerial photos of the site on PGAtlas, the existing structure has been in existence prior to 1991. It appears that the site is exempt from the requirement of filing a preliminary plan of subdivision under Section 24-107(c)(7)(D) based on the existing conditions and structures reflected on the site plan provided by the applicant and available information found on PGAtlas.

To ensure that the exemption will apply to the future development of the site and if the applicant proposes to raze any existing structure in the future, the applicant could file a final plat for the site in accordance with Section 24-108 of the Subdivision Regulations for which no preliminary plan is required. The final plat will include a note to vest the exemption from filing a preliminary plan pursuant to Section 24-107(c)(7)(D) as described above. There are no other subdivision issues at this time.

A condition of this approval requires the addition of the suggested note regarding "all structures are to remain" to the DSP prior to signature approval. However, it will be left to the applicant's prerogative as to whether or not to pursue the approval of a final plat for the subject project.

- f. **Trails**—Transportation Planning stated that existing sidewalks along the frontage of the subject property and those provided for circulation internal on the site are adequate for the proposed use.
- g. **Permit Review**—Permit Review comments have either been addressed by revisions to the plan or in the conditions this approval.
- h. **Environmental Planning**—Environmental Planning stated that the site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance because it is less than 10,000 square feet in size and has no previously approved tree conservation plans. Further, they stated that the subject site contains no regulated environmental features.

- i. **Prince George's County Fire/EMS Department**—The Prince George's County Fire/EMS Department offered information regarding the design of private roads, needed accessibility, and the design and location of fire hydrants.
- j. **Department of Public Works and Transportation (DPW&T)**—DPW&T indicated that they would have no comment regarding the roads, as they are state-maintained. However, with respect to stormwater management, they stated that the subject detailed site plan is consistent with approved Stormwater Management Concept Plan 32732-2010, dated December 1, 2010.
- k. **Maryland State Highway Administration (SHA)**—SHA stated that they had reviewed the existing access to the subject project and found it acceptable. Therefore, they supported approval of the subject project.
- l. **Washington Suburban Sanitary Commission (WSSC)**—WSSC stated that an existing system is in place with the site, that the applicant would have to coordinate the project with other buried utilities, and that all extensions of WSSC systems require a request for hydraulic planning analysis and need to follow the system extension permit process. In closing, WSSC offered all necessary contact information and the following hydraulically-related comments:
 - A ten-inch water main and an eight-inch sewer main are available to serve the proposed site.
 - If elevations do not allow gravity sewer, on-site pumping with ejector or grinder pumps may be required for sewer service.
 - To determine a property's current service category or request a change, contact the Prince George's County Department of Environmental Resources (DER).
 - The 2011 WSSC Plumbing and Fuel Gas Code has been adopted and is effective February 1, 2011 and its requirements must be followed.
- m. **Verizon**—Verizon noted that the building is built next to the right-of-way line in the public utility easement, and had no comment on the subject project.
- n. **Potomac Electric Power Company (PEPCO)**—PEPCO offered no comments.
- o. **City of Hyattsville**—The mayor of the City of Hyattsville stated that their understanding of the subject project is that it includes façade improvements, the addition of three exterior porches, the addition of a wheelchair lift and accessibility ramp, and to partially expand an areaway in the basement. Further, they stated that the Hyattsville Mennonite Church is a long-standing community partner and that the City is fully supportive of their efforts to provide a greater means of access for the members of their congregation. Further, the City

of Hyattsville representative attended the Planning Board hearing and reiterated the City's support of the application.

- p. **Town of University Park**—The Town of University Park stated that they are supportive of the project and offered no further comment.
- q. **Town of Riverdale Park**—The Town of Riverdale Park offered no comment on the subject project.

- 13. 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.
- 14. Section 27-285(b)(4) of the Zoning Ordinance, which became effective on September 1, 2010, requires a finding for approval of a detailed site plan is as follows:

The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible.

It is not necessary to make this finding in this case as there are no regulated environmental features on the site.

- 15. As required by the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* (page 141, 8.b.), the basement level expansion is compatible with adjacent uses and meets the goals of the sector plan. The expansion will not be noticeable as it is located below grade.

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-10033 and variances to Sections 27-442(a)(e) and 24-441, and further APPROVED Alternative Compliance No. AC-11020, subject to the following conditions:

- 1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plans for the project as follows or provide the information specified:
 - a. The applicant shall include a note on the plans that the existing structure on the subject property is to remain.
 - b. The applicant shall add a note to the plan stating: "This site is located within the area covered by the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* Traditional Residential Neighborhood (TRN)

character area in the One-Family Detached Residential (R-55) Zone. The use is allowed per the Applicability Section of the Gateway Arts District Sector Plan and Sectional Map Amendment and valid Use and Occupancy Permit 27576-2009-UO.”

- c. The applicant shall remove Sheet 4 Development District Standards from the plan set and include a note stating that:

“Per Footnote 2 on page 144 of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, the subject R-55-zoned property within the TRN character area within the incorporated City of Hyattsville is exempt from the development district standards and will abide by the requirements of the R-55 Zone, except with respect to the size of the site and the required front yard setback, for which variances were approved in association with the subject detailed site plan.”
- d. The applicant shall revise the landscape plan for the project to depict the correct numbers of plant material shown on the plan and located in the northeastern and northwestern corners of the site. The applicant shall also revise the schedules if necessary.
- e. The applicant shall revise the landscape plan to graphically depict all plant material as labeled and as shown on the planting schedule located in the southeastern corner of the site.
- f. The applicant shall revise the plant schedule to correctly label all plant material.
- g. The applicant shall revise the Section 4.2 schedule to note that alternative compliance has been applied for to reduce the required ten-foot-wide landscape strip.
- h. The applicant shall revise the Section 4.9 schedule to include the correct number of native shrubs and ornamental trees being provided to match the plant schedule.

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.

* * * * *

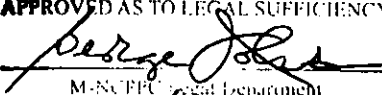
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Squire, with Commissioners Bailey, Squire, Cavitt and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, October 20, 2011, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 10th day of November 2011.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:SL:arj

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department
Date 10/26/11