

## 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 July 14, 2011, regarding Detailed Site Plan DSP-11002 for Campbell Residence, the Planning Board finds:

1. **Request:** The subject application requests approval of the conversion of a one-family detached dwelling to a building containing three dwelling units. Single-family building conversions are permitted with a special permit application and detailed site plan review in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for sites within the Traditional Residential Neighborhood character area.

2. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone	R-35/D-D-O	R-35/D-D-O
Use(s)	Two-Family Dwelling	Conversion of a one-family detached dwelling to a building containing three dwelling units
Acreage	0.128	0.128
Lots	1	1
Total Square Feet (GFA)	2,523*	2,523*
Variance	N/A	N/A

*\*While no exterior alterations are proposed, tax records indicate that the structure had a gross floor area of 1,860 square feet at the time of its assessment. The additional square feet indicated in the proposal may account for areas that were previously considered unfinished, such as the basement. Unfinished areas are typically excluded from gross floor area calculations.*

### **PROPOSED UNIT COMPOSITION AND SIZE**

Unit 1 – Basement	868 square feet
Unit 2 – First Floor	784 square feet
Unit 3 – Second Floor	784 square feet

3. **Location:** The site is in Planning Area 68 and Council District 2 and is in the City of Hyattsville.
4. **Surrounding Uses:** The subject 0.12-acre site is located in the One-Family Semidetached, and Two-Family Detached, Residential (R-35), and Development District Overlay (D-D-O) Zones. It is

bounded by residential properties located within the R-35 and One-Family Detached Residential (R-55) Zones and Development District Overlay (D-D-O) Zones per the *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*. Specifically, the site is bounded to the north by an existing two-family dwelling in the R-35/D-D-O Zone; to the south by a single-family detached dwelling that has been converted to a two-family dwelling in the R-35/D-D-O Zone; to the west by two existing single-family detached dwellings in the R-55/D-D-O Zone; and to the east by 41st Avenue. Some of the adjacent structures on the west side of 41st Avenue appear to have been converted to three and four unit residences. One-family semidetached dwellings or duplexes, in the R-35/D-D-O Zone, are located across the street (41st Avenue) from the subject property. All of the above referenced properties are located in the Traditional Residential Neighborhood character area within the Gateway Arts District.

There are a few properties in the immediate vicinity that are located within the Multifamily Residential Community character area within the Gateway Arts District including: 6114 41st Avenue located in the Multifamily Medium Density Residential (R-18) Zone; and 6124 41st Avenue located in the R-18 Zone. The property located at 6114 41st Avenue is similar in lot size, structure size, and structure age to the subject property; whereas 6124 41st Avenue is an approximately 5,000-square-foot multifamily building with a surface parking lot on-site. These properties are zoned for three-family and multifamily uses.

5. **Previous Approvals:** There are no previous approvals of relevance to the subject review. The subject property, Lot 6, was recorded in Plat Book BB 7 @ 32 on September 12, 1939 as a part of Hyattsville Hills, Section 4, Block 4.

State of Maryland real property data indicates that the existing structure was built in 1947 as a single-family detached dwelling. The existing structure has an approved permit for a two-family residence. Use and Occupancy Permit 10234-2010-00 for that approval was issued on May 5, 2010.

6. **Design Features:** The subject 5,850-square-foot property is currently improved with a two-story, brick structure with a basement. The Planning Board finds that the architectural character of the existing structure is similar in style to that of other larger residences south of the subject property. The front (east) building elevation is improved with a covered front porch with brick support columns, a banister, and a gable roof. A central, gabled dormer on the roof features two windows that face the street. The building exterior is brick with white accent paint. Black shutters are located on the building's east elevation.

The building appears to have retained its original form with few exterior modifications. The most visible exterior modification appears at the basement level of the east elevation. The applicant indicated that redder-toned brick on the east building elevation is due to an enlargement of a window and wall work in this location. A concrete arch stone was also added in this location.

The building has four entrances. The applicant has indicated verbally that each unit is designed to have a separate entrance. The basement unit is accessed via the basement level at the front of the

building. The first floor unit is accessed via the front porch entrance, and the second level unit is accessed from the south side entrance. The door at the rear of the building provides secondary access to the first floor unit.

The first and second floor units are indicated to be 784 square feet and the basement unit is indicated to be 868 square feet. Each unit proposes its own bathroom and fully-functional kitchen. The applicant's completed detailed site plan application indicates that all units are proposed as rentals.

The site plan indicates that the property has a slightly sloping back yard with an existing shade tree and shed. The front yard is defined by an existing 32-inch-high concrete retaining wall, which provides the site with a more level front yard. The retaining wall continues along the site's frontage along 41st Avenue and along both sides of an existing ten-foot-wide driveway that is located in the front yard of the property. The Planning Board finds that the driveway provides off-street parking sufficient for two compact automobiles. In addition to the off-street parking, the site has 50 feet of street frontage on 41st Avenue which can accommodate one additional parking space.

This application for a change in use proposes no exterior construction.

#### COMPLIANCE WITH EVALUATION CRITERIA

7. **2004 Gateway Arts District Sector Plan and Sectional Map Amendment (SMA):** The subject property is located in the Traditional Residential Neighborhood (TRN) character area within the Gateway Arts District Development District Overlay Zone. The following Planning Board findings are offered regarding the proposal's conformance with the standards of the Development District Overlay (D-D-O) Zone.

##### **Traditional Residential Neighborhood Development Character Area**

The subject site is located within the Traditional Residential Neighborhood character area. The goal of the character area is to "preserve the single-family residential character as the anchor of the Arts District, while supporting artists who produce and teach from their homes" (p. 29). The main elements of single-family residential character mentioned in the sector plan include: historic and vernacular housing stock; natural wooded features; quiet; a community-oriented quality; low traffic; and density that is generally between four to ten units an acre. The character area designation reinforces the existing single-family residential neighborhoods and their role in stabilizing and adding value to the Gateway Arts District.

The Planning Board finds that, because conversion of a one-family detached dwelling is a permitted use within the Traditional Residential Neighborhood (TRN) character area, it is not incompatible with the recommendations of the Traditional Residential Neighborhood (TRN) character area. There will be virtually no effect on the structure's exterior appearance or the natural wooded features of the lot due to the change in use.

### **Use**

The conversion of a one-family detached dwelling to a building containing up to three dwelling units is permitted by special permit in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for sites within the Traditional Residential Neighborhood character area. Applications subject to special permits require detailed site plan review. The Planning Board finds that the subject application was submitted in fulfillment of that requirement.

### **Development District Standards**

Section 27-548.25(b), Site Plan Approval, of the Zoning Ordinance states that, in approving a detailed site plan, the Planning Board shall find that the site plan meets the applicable development district standards.

The Gateway Arts District sector plan and SMA states that legally existing development is exempt from development district standards. When an expansion of a use on a site is proposed, all expansion needs to conform to development district standards. The subject property does not propose any new development. No exterior renovations, building envelope expansion, or surface parking expansion is proposed on the site. A strict interpretation of the sector plan clearly indicates, then, that no development district standards apply to the existing site conditions.

### **Additional Standards**

The Planning Board recognizes that there are no development district standards which speak specifically to the conversion of single-family structures to include additional dwelling units. The Gateway Arts District Sector Plan states that development district standards replace those contained in the Zoning Ordinance and Landscape Manual. If an aspect of the physical development of a project is not included in the development district standards, then standards shall be applied to the project which derive from and are closely related to the character area goals. In lieu of having comprehensive development standards for single-family conversions, the Planning Board finds that the following considerations are appropriate criteria for evaluation of the subject proposal, in order to clarify a minimum parking requirement, preserve the character of the existing neighborhood, and ensure that the conversion will not burden adjacent property owners.

- a. **Architecture:** The exterior of the existing structure shall maintain its current historic form and character as a single-family detached structure. While no exterior modifications are currently proposed, future exterior modifications shall retain the character of the building.
- b. **Parking:** The Traditional Neighborhood Residential character area discourages wide driveways and parking in the front yard of a dwelling. The existing driveway shall be maintained in its current form without widening. The applicant proposes a tandem parking configuration with two compact spaces in the driveway, one behind the other, and one parking space on-street. If the site were not located in a D-D-O Zone, the tandem parking would require a departure. The Planning Board finds that this parking configuration can satisfy the parking needs at a rate of one parking space provided per residential unit,

without widening surface parking in front of the dwelling. The on-street parking proposed is permitted in the Traditional Neighborhood Residential character area.

The residence is located in an area that is well connected by sidewalks and is in the vicinity of a variety of public transit options including bus and rail. The Prince George's Plaza Metro Station is within a ten-minute walk of the residence. The Planning Board finds that due to the site's proximity to transit, it is likely that future residents of the property will be less auto dependent than those located in more suburban areas of the county. The three parking spaces indicated on the site plan is the maximum needed.

- c. **Unit Size:** The Gateway Arts District specifies a minimum unit size of 700 square feet for artist/live work units. While the subject units are not specified as artist units, the minimum unit size of 700 square feet is an appropriate standard for the subject conversion. The subject units shall be permitted as artist/live work units, or an artist studio, without any revision to the detailed site plan, as long as no expansion or site modification is proposed.
8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-35 Zone and the site plan design guidelines of the Zoning Ordinance, as modified by the Gateway Arts District D-D-O Zone. The Planning Board adopts the following findings:
- a. The subject application is for conversion of a one-family detached dwelling to a building containing three dwelling units. Section 27-441(b)(6), the Table of Uses, of the Zoning Ordinance states that the conversion of a one-family detached dwelling to a building containing three dwelling units is not permitted in the R-35 Zone on or after November 18, 1980. Generally, the uses permitted in D-D-O Zones are as restrictive as, or more restrictive than, those allowed in the underlying zone in which a property is classified; however Section 27-548.22(b) specifically states that the Gateway Arts District D-D-O Zone may allow uses that are not permitted in an underlying zone. The related text states the following:  
  
**Section 27-548.22. Uses.**
    - (a) The uses allowed on property in a Development District Overlay Zone shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by Development District Standards approved by the District Council.
    - (b) Development District Standards may limit land uses or general use types allowed in the underlying zone where the uses are incompatible with, or detrimental to, the goals of the Development District and purposes of the D-D-O Zone. Development District Standards may not allow uses prohibited in the underlying zone, with the exception of Development District Standards of the Prince George's County Gateway Arts District D-D-O Zone, where the

**uses are compatible with the goals of the Prince George's County Gateway Arts District and purposes of the D-D-O Zone.**

In this case, the Gateway Arts District Traditional Residential Neighborhood character area permits conversions of single-family structures. Through its inclusion in the permitted uses defined within the sector plan, it is determined that the use proposed in the subject detailed site plan is compatible with the goals of the Gateway Arts District and purposes of the D-D-O-Zone.

9. **2010 Prince George's County Landscape Manual:** The Planning Board finds that the site plan is not subject to the *Prince George's County Landscape Manual*. The development district standards contained in the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* replace all those contained in the Landscape Manual.
10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** The Planning Board finds that the site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance. The site is not required to submit a natural resources inventory (NRI) plan nor required to demonstrate compliance with the Tree Canopy Coverage Ordinance because the request is for the addition of a use.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The Planning Board adopts the following findings:
  - a. **Community Planning** —The Planning Board finds that the application is consistent with the 2002 *Prince George's County Approved General Plan Development Pattern* policies for the Developed Tier, and that the application does not conform with the Traditional Residential Neighborhood (TRN) character area's goal of the Gateway Arts District Sector Plan and Sectional Map Amendment, which is to preserve the single-family residential neighborhood character.

The goal of the TRN character area is to preserve the single-family residential neighborhood character area as an anchor of the Gateway Arts District, while supporting artists who produce and teach in their homes. The character area designation reinforces the existing single-family detached residential neighborhood environment. Today, the existing neighborhood immediately surrounding the subject property is predominantly single-family homes, two-family duplexes, and scattered single-family conversions.

The Planning Board finds that while the goal of the TRN character area speaks specifically to maintaining a single-family neighborhood character, this particular character area also permits the conversion of single-family homes to include additional dwelling units. This may indicate some inconsistency within the sector plan. Because the proposed use is specifically permitted, the Planning Board finds that there is no legal basis for a recommendation of disapproval of the application. The application does not conform to

the Traditional Residential Neighborhood (TRN) character area goal, but it does conform to the permitted land uses within the 2004 Gateway Arts District Sector Plan and SMA.

- b. **Historic Preservation**—The Planning Board finds that the proposed detailed site plan and special permit will have no adverse effect on identified historic sites, resources, or districts.
- c. **Transportation Planning**—The Planning Board finds that the site is consistent with approved sector plans and other previous plans, regarding transportation and circulation.
- d. **Environmental Planning**—There are no environmental issues related to the subject proposal.
- e. **City of Hyattsville**—In a letter dated May 3, 2011 from Mayor William Gardiner, the City of Hyattsville provided referral comments on the subject site plan. On May 2, 2011, the City of Hyattsville voted unanimously to oppose the subject proposal.

At the time of the City of Hyattsville's review, the request was miscategorized as an amendment to the 2004 Gateway Arts District Sector Plan and Sectional Map Amendment use table to allow a multifamily use. In discussion with the City of Hyattsville's community development manager, the community development manager indicated that the City would not be revising their recommendation.

- 12. The Planning Board finds that as required by Section 27-285(b)(1) 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.
- 13. Section 27-285(b)(4) of the Zoning Ordinance requires that a detailed site plan demonstrate that regulated environmental features have been preserved and/or restored to the fullest extent possible. Because the site does not contain any regulated environmental features the Planning Board finds that this required finding does not apply.

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 Special Permit SP-110001 and further APPROVED the Detailed Site Plan DSP-11002, subject to the following conditions:

- 1. Prior to certification of the detailed site plan, the following revisions shall be made or information provided:

- a. The use on the detailed site plan shall be reflected as a conversion of a one-family detached structure to include additional dwelling units.
- b. All site and landscape plans shall be provided at the scale of one inch equals ten feet.
2. The exterior of the existing structure shall maintain its current historic form and character as a single-family detached structure. Any proposed future exterior modifications shall retain the character of the building.
3. One parking space shall be provided per unit. Tandem parking spaces shall be permitted in the existing driveway.
4. The minimum unit size shall be 700 square feet.
5. The subject residential units may obtain permits for use as artist/live work units or an artist studio, as an accessory use, without any required revision to the detailed site plan or special permit application as long as no expansion or site modification is proposed.

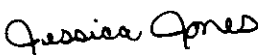
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

\* \* \* \* \*

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 Squire, seconded by Commissioner Washington, with Commissioners Squire, Washington, Bailey, Cavitt and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 14, 2011, in Upper Marlboro, Maryland.

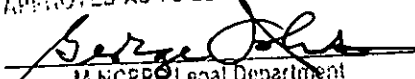
Adopted by the Prince George's County Planning Board this 15<sup>th</sup> day of September 2011.

Patricia Colihan Barney  
Executive Director

By   
Jessica Jones  
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.

  
M-NCPPO Legal Department

Date

9/13/11