

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Subdivision Plat 4-00051
College Park Homes, Lots 1 and 2, Changes Addition

OVERVIEW

The subject property consists of approximately 0.33 acres of land in the C-S-C Zone. It is found on Tax Map 33, Grid C-4 and is identified as Parcel 95. The subject property currently contains two existing dwellings. The applicant is proposing no new development at this time. This preliminary plat application is an effort by the property owner to bring this site and the existing development into conformance with zoning regulations. The Zoning Ordinance does not allow for two dwellings to be located on one lot. Through this preliminary plat application the applicant proposes to subdivide Parcel 95 into two lots, each containing a separate building used for residential purposes.

The official zoning maps provide that this property was annexed into the Washington Regional District in 1928 and zoned Residential ■A. In 1946, the property was rezoned by Zoning Map Amendment #740 to Residential ■B. In 1949, the zoning designations in the Washington Regional District were revised and the subject property was placed in the R-18 Zone, the zoning designation comparable to the Residential ■B zoning designation. The 1990 Section Map Amendment for *Langley Park-College Park-Greenbelt* rezoned the subject property to the C-S-C Zone.

It was uncovered through review for this preliminary plat application that an error on the January 9, 1985, 200 scale zoning map, incorrectly identifies the subject property as having been placed in the C-2 Zone in 1949. The correct zoning for the subject property between 1949 and 1990 was R-18, as shown on the official 1949 Washington District Zoning Map, Zoning Atlas-A, adopted November 29, 1949, page 26. Therefore, the residential use of this property would need only to pre-date 1990, in order to be permitted in the C-S-C Zone.

Through the review of this preliminary plat conformance to the Zoning Ordinance should be addressed. The front yard setback requirement for all structures in the C-S-C Zone is 10 feet, (measured 10 feet back from a point 35 feet from the center line of the right-of-way) for which both existing buildings conform. The side yard setback from property in a residential zone is 12 feet. A variance from the side yard setback is required along the east property line of proposed Lot 1 where the existing building is located 7 feet from the property line. However, if the applicant can demonstrate that the existing building is a non-conforming structure a variance would not be required. In order for this structure to be non-conforming it must have been constructed prior to 1949. In 1949 the side-yard setback for a residential building was changed from a minimum of 7 feet to a maximum of 8 feet. The building on proposed Lot 2 appears on 1937 aerial photos (FG132-80). Based on land surveys provided by the Community Planning Division, the second building on proposed Lot 1 was constructed in 1940. Therefore, it is a non-conforming structure.

SETTING

The property is located on the south side of Calvert Road, approximately 280 feet east of Baltimore Avenue (US 1) in the City of College Park. Abutting to the east is the City of College Park library which is on land zoned R-55. To the west and south is C-S-C zoned land. The surrounding properties are a mix of zones and uses.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. Environmental - The proposed lots are developed, slightly wooded and contain relatively flat terrain which drains and flows into tributaries of the Northeast Branch. The predominant soil type on-site is Bibb, which generally exhibits moderate to severe limitations to development due to high water table, flood hazard and poor drainage.

The site is not subject to the provisions of the County Woodland Conservation Ordinance, because it is less than 40,000 square feet in size and contains less than 10,000 square feet of woodland.

There are no floodplain, streams, Waters of the United States, specimen trees, endangered species or noise issues identified on the site. No Marlboro clays, scenic or historic roads are located on or adjacent to the subject property.

The property is in Water and Sewer Category 3 and is currently being served by public systems.

2. Community Planning - The 1989 Approved Langley Park-College Park-Greenbelt Master Plan recommends this property for retail/commercial uses.

The applicant proposes no new development on the subject property. This preliminary subdivision does not raise any master plan issues.

3. Landscape Manual - The residential building on proposed Lot 2 appears on 1937 aerial photos (FG132-80). Based on land surveys provided by the Community Planning Division, the second residential building on proposed Lot 1 was constructed in 1940. Because two dwellings were not permitted on one lot at that time nor is it permitted today, the existing condition (based on the information contained in the file) was not legally existing as of January 1, 1990. The site therefore appears to be subject to the Prince George's County *Landscape Manual*. Staff has found that a preliminary plat application is not a reasonable implementation tool through which conformance to the *Landscape Manual* for existing situations should be considered. Therefore, conformance issues pertaining to the *Landscape Manual* should be determined at the time of any future permit activity, if any on this site.
4. Parks and Recreation - In accordance with Section 24-134(a)(3)(C) of the Subdivision Regulations, one lot in the above referenced subdivision is exempt from mandatory dedication of parkland. Section 24-134 exempts existing dwellings legally existing at the time of subdivision.

Prince George's County Zoning Ordinance does not allow two dwellings on one lot unless the existing situation predates zoning. In this case the applicant would be required to demonstrate that the second dwelling was constructed prior to 1928 to be deemed a non-conforming use. However, review of 1937 aerial photograph depicts only one dwelling unit on site. The second dwelling was not legally constructed.

Therefore, only one dwelling can be legally existing on this property at the time of subdivision. Based on 1937 aerial photos the dwelling at the rear of proposed Lot 2 was the first dwelling constructed on this lot. A fee-in-lieu for park dedication will be required for proposed Lot 1, on which the dwelling constructed was not permitted and therefore not legally existing.

5. Trails - There are no master plan trail issues associated with this application
6. Transportation - The applicant proposes to subdivide an existing parcel into two lots. There are two existing residences on the parcel which are to remain, but each will be located on its own lot if this subdivision is approved. No additional development is proposed by this application.

No traffic study was requested of the applicant nor was one submitted for review in support of the preliminary plat. The findings and recommendations outlined below are based upon a review of relevant materials and analyses consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

The proposed subdivision would generate no net trips as a result of the subdivision. There would be no resulting impact on traffic operations at the US 1/Calvert Road intersection, which is the development's critical intersection, as a result of the subdivision.

The road frontage of the subject property is Calvert Road, which has an existing right-of-way of 46 feet. The standard right-of-way in front of a commercially-zoned property for a determination of required setbacks is 70 feet, or 35 feet from center line, which the dwelling on proposed Lot 2 meets. The minimum standard right-of-way for a public street (unless modified in agreement with the controlling jurisdiction), regardless of zoning, is 50 feet, or 25 feet from center line. Staff understands that the Zoning Ordinance reference to a 70 foot right-of-way is solely for the purpose of determining setbacks; this leaves room for a degree of judgement in determining if dedication by a plat is necessary. In discussions with staff from the City of College Park, staff has determined that additional right-of-way along Calvert Road is not needed.

With no additional development proposed for the subject property and a positive determination by the City that the existing right-of-way is sufficient, the transportation staff believes that no further dedication is required by the subject plan. The proposed access would remain as it is and is acceptable.

The Transportation Planning Section concludes that adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

7. Schools - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised July 2000) (CR-4-1998).

The proposed subdivision is exempt from the APF for schools because the subdivision is less than 36 dwelling units, is in census tract 71.02 (which is located in a Revitalization Tax District as provided for in Subtitle 10), and is not part of a larger Comprehensive Design or Mixed Use Zone.

8. Fire and Rescue - Growth Policy and Public Facilities Planning has reviewed the subdivision plans for adequacy of fire and rescue facilities in accordance with Section 24-122.01 of the Subdivision Regulations, and concluded the following:
 - a. The existing fire engine service at College Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 1.47 minutes, which is within the 5.25 minutes response time guideline.
 - b. The existing ambulance service at College Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 1.47 minutes, which is within the 6.25 minutes response time guideline.
 - c. The existing paramedic service at College Fire Station, Company 12 located at 8115 Baltimore Avenue has a service response time of 1.47 minutes, which is within the 7.25 minutes response time guideline.

The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic service.

9. Police Facilities - The proposed subdivision is within the service area for Police District I-Hyattsville. In accordance with Section 24-122(c)(1) of the Subdivision Regulations of Prince George's County, the staff concludes that the existing County's police facilities will be adequate to serve the proposed College Park Homes development. This police facility adequately serves the existing population generated by the subdivision.
10. Health Department - There are no Health Department issues with this application.
11. Stormwater Management - The Department of Environmental Resources (DER), Development Services Division, has determined that stormwater management is not required because the site is fully developed.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The applicant, his assessors and/or assigns shall pay a fee-in-lieu of park dedication for Lot 1 at the time of final plat.
2. The final plat shall contain a note stating that conformance issues pertaining to the *Landscape Manual* shall be determined at the time of future permit activity.