The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

Detailed Site Plan DSP-09013-01
Departure from Parking and Loading Spaces DPLS-473
Quincy Manor

REQUEST	STAFF RECOMMENDATION
DSP: Request to rescind the previously approved DSP for townhouses and validate the existing multifamily development.	APPROVAL with Conditions
Variance from Section 27-442 (d) (e) (g) and (h).	APPROVAL
DPLS: Departure from Parking and Loading Spaces for 647 parking spaces to validate the existing conditions.	APPROVAL

Location: On the northern and southern sides of Newton Street and Madison Way, and on the eastern and western sides of 54th and 55th Avenues, approximately 200 feet from the intersection of Quincy Street and 55th Avenue.

Gross Acreage:	17.03
Zones:	R-18/R-35/D-D-O
Dwelling Units:	371
Gross Floor Area:	N/A
Planning Area:	69
Council District:	05
Election District:	02
Municipality:	N/A
200-Scale Base Map:	205NE05

Applicant/Address:
Portfolio Owner, LLC
4400 Old Court Road, Suite B
Baltimore, MD 21208

Staff Reviewer: Henry Zhang, AICP, LEED AP
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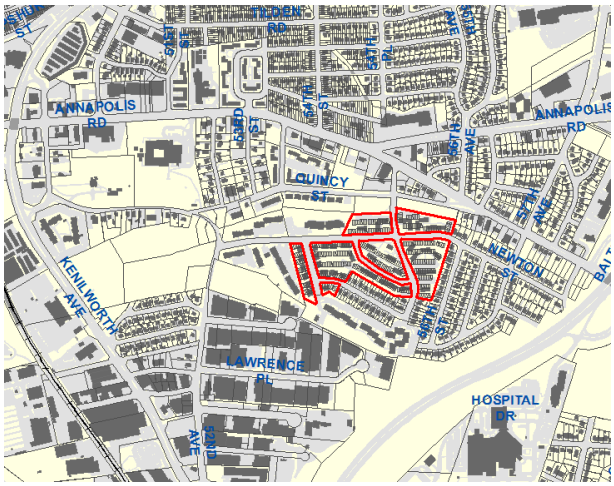

Planning Board Date:	09/26/19
Planning Board Action Limit:	10/01/19
Staff Report Date:	09/11/19
Date Accepted:	05/07/19
Informational Mailing:	05/01/19
Acceptance Mailing:	05/03/19
Sign Posting Deadline:	08/13/19

Note: Staff reports can be accessed at http://mncppc.iqm2.com/Citizens/Default.aspx

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-09013-01
Departure from Parking and Loading Spaces DPLS-473
Quincy Manor

The Urban Design staff has completed the review of the subject application and appropriate referrals. The following evaluation and findings leading to a recommendation of APPROVAL with conditions as described in the Recommendation section of this staff report.

EVALUATION

The detailed site plan and departure from parking and loading standards were reviewed and evaluated for conformance with the following criteria:

a. The Development District Overlay (D-D-O) Zone standards of the *2009 Approved Port Towns Sector Plan and Sectional Map Amendment;*

b. The requirements of the Zoning Ordinance regarding development in the R-18 (Multifamily Medium Density Residential), R-35 (One-Family Semidetached, and Two-Family Detached, Residential) Zones, and site design guidelines;

c. The requirements of Preliminary Plan of Subdivision 4-08022;

d. The requirements of Detailed Site Plan DSP-09013;

e. The requirements of the 2010 *Prince George's County Landscape Manual;*

f. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;

g. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and

h. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design Section recommends the following findings:

1. Request: The subject application requests to rescind 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 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	**Proposed**
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 is being requested with this DSP. See Finding 8 below for a detailed discussion.

*** 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 bounded 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 Urban Design Section recommends approval of the listed variances for this site.

d. DPLS-473: A Departure from the Parking and Loading Spaces, DPLS-473, for 647 parking spaces has been requested with this DSP. In accordance with the current parking ratio as stated in Section 27-568, the site needs to provide 888 off-street parking spaces. The subject development has 241 on-site parking spaces and therefore a departure of 647 spaces has been requested. There are an additional 180 on-street parking spaces found on the public streets serving the subject site that have been traditionally used by the occupants of the existing buildings. If the 180 on-street parking spaces were included in the parking calculation, the departure would be only for 467 spaces. The on-street parking was allowed to fulfill parking requirements at the time the development was constructed in the 1950s.

Section 27-588(b)(7) of the Zoning Ordinance sets forth the required findings for approval of a departure from the number of parking and loading spaces required, as follows:

(A) In order for the Planning Board to grant the departure, it shall make the following findings:

(i) The purposes of this Part (Section 27-550) will be served by the applicant's request;

Section 27-550 of the Zoning Ordinance sets forth the following purposes:

(a) The purposes of this Part are:

(1) To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;

(2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;

(3) To protect the residential character of residential areas; and

(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District.

The parking areas demonstrated on the plans have existed since the buildings were constructed in the early 1950s and consist of on-street parking on both sides of most streets (only one side on Madison Way), as well as several, small, conveniently located, on-site surface parking lots. The existing parking has proven to be sufficient to serve the parking needs of all persons associated with the buildings and uses through decades of operational experience. At the time of construction, the number of parking spaces required was calculated at a rate of one space per multifamily unit and on-street parking spaces could be counted toward that total. Therefore, a total of 371 spaces would have been required. Current parking calculation rates result in a total requirement of 888 spaces. When considering both on-street and on-site spaces, a total of 421 spaces are existing, which exceeds the parking requirement at the time of construction.

The public streets surrounding and within the subject site were clearly designed with the intent of on-street parking as many include extended curbing at intersections to protect parked vehicles. As these are neighborhood streets, there is no conflict between traffic and on-street parking. As previously noted, the existing parking areas have existed since the multifamily complex was constructed and have not been a detriment to the residential character of the area. Both on-street and off-site spaces are conveniently and appropriately located.

In addition, the site is located within established neighborhoods. There are several Washington Metropolitan Area Transit Authority (WMATA) and TheBus stops along Newton Street and at MD 202 and 55th Avenue, just north of the site. The convenient public transportation service existing in the area will provide additional transportation options for the residents, other than rely solely on automobiles that may result in less parking. The above-stated purposes will be well served by the requested DPLS.

(ii) The departure is the minimum necessary, given the specific circumstances of the request;

As previously discussed, the existing parking has served the multifamily development since the early 1950s. No site improvements are proposed with this application, so no new parking needs are created. The applicant is simply seeking approval of the subject DPLS application to validate existing conditions for the purpose of seeking a U&O permit. Given the existing situation and the specific circumstance of the subject site, the departure is the minimum necessary.

(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;

As noted above, the parking areas demonstrated on the plans have been in existence since the buildings were constructed in the early 1950s, in conformance with the then-applicable parking regulations. At the time of construction, the number of parking spaces required was calculated at a rate of one space per multifamily unit and on-street parking spaces could be counted toward that total. Therefore, a total of 371 spaces would have been required. When considering both on-street and on-site spaces, a total of 421 spaces are existing, which well exceeds the requirement at the time of construction. This DSP seeks to validate the site as it is without creating any new dwelling units.

The development team has not been able to locate any record of an initial U&O permit for the project, which has resulted in the inability to obtain certification of a nonconforming use for the portion of the property outside of the D-D-O Zone. The subject applications seek to validate the existing conditions on-site so that the owner/applicant may obtain a valid U&O permit. This is a condition very specific to the subject use, given its nature and history at this specific location. While the exact date of construction is uncertain, it has been pinpointed to the early 1950s when the number of parking spaces required were considerably less and on-street parking could be counted toward those requirements. This request seeks to alleviate these circumstances, which are unique to this developed area of the County.

(iv) All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and

All methods for calculating the number of parking spaces required have been used. The number of parking spaces that were needed at

time of the construction was 371. At that time, on-street parking could be included in the parking calculation. When considering both on-street and on-site spaces, a total of 421 spaces existed, which exceeds the then-required 371 spaces. In accordance with current parking ratios, a total of 888 spaces is required. Since this application does not create any new dwelling units, no additional parking need is created.

(v) Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.

Single-family detached residences to the east and duplexes to the south are served by individual driveways, as well as on-street parking. Multifamily uses in the surrounding vicinity are all served by substantial surface parking lots, which are not conveniently located to the subject development. The departure seeks to validate the on-site conditions, which have existed since the early 1950s and will not result in the infringement upon the parking or loading needs of adjacent residential areas.

(B) In making its findings, the Planning Board shall give consideration to the following:

(i) The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;

Adjacent uses will be adequately served by the existing parking. As noted above, the existing on-street and off-site parking spaces were sufficient to meet the requirement when the project was constructed. On-street parking is provided on both sides of most streets (only one side of Madison Way).

(ii) The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;

The Port Towns Sector Plan and SMA placed only a portion of the overall site within the D-D-O Zone and included an exemption which qualified the D-D-O Zone portion of the site for certification as a nonconforming use. No record of an initial U&O permit for the project can be found, which has resulted in the inability to obtain certification of a nonconforming use for the portion of the property outside of the D-D-O Zone. The subject applications seek to validate the existing conditions on site so that the owner/applicant may obtain a valid permit. If the entirety of the property had been placed within the D-D-O Zone, the subject application would not be necessary. Given the D-D-O Zone granted an exemption for a portion

of the development, it is logical that the same policy should be applied to the remainder of the development.

(iii) The recommendations of a municipality (within which the property lies) regarding the departure; and

This site is not within a municipality. This consideration is therefore not applicable.

(iv) Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

This requirement is not applicable**.** There are no known public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.

(C) In making its findings, the Planning Board may give consideration to the following:

(i) Public transportation available in the area;

There are several bus stops served by both TheBus and WMATA Metrobus less than 0.25-mile of the site. Operational experience indicates that those public transportation facilities have been well utilized.

In conclusion, the Urban Design Section finds that all the required findings have been met and recommends approval of DPLS-473.

e. 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. If the vacation petition is approved, the conditions of PPS 4-08022 will no longer be 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 5 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. **Referral Comments:** The subject application was referred to concerned agencies and divisions. The referral comments are summarized, as follows:

a. **Transportation**—In a memorandum dated June 17, 2019, incorporated herein by reference, the Transportation Planning Section stated that they have no comment 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 Transportation Planning Section provided a detailed discussion on DPLS-473 and concurred with the applicant that all findings for approval have been met. The Transportation Planning Section 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**—In a memorandum dated June 27, 2019, incorporated herein by reference, the Subdivision Section 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. If the vacation petition is approved, the conditions of PPS 4-08022 will no longer be applicable and a new final plat reflecting the vacated land area will be required to be consistent with the DSP.

c. **Environmental Planning**—In a memorandum dated May 17, 2019, incorporated herein by reference, the Environmental Planning Section 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.

The Environmental Planning Section recommends approval of the application with no conditions.

d. **Department of Permitting, Inspections and Enforcement (DPIE)**—As of the writing of this report, DPIE did not offer any comment regarding the subject project.

e. **Town of Bladensburg**—As of the writing of this report, the Town of Bladensburg did not offer any comment regarding the subject project.

f. **Town of Colmar Manor**—As of the writing of this report, the Town of Colmar Manor did not offer any comment regarding the subject project.

g. **Town of Edmonston**—As of the writing of this report, the Town of Edmonston did not offer any comment regarding the subject project.

h. **City of Hyattsville**—As of the writing of this report, the City of Hyattsville did not offer any comment regarding the subject project.

i. **Town of Cheverly**—As of the writing of this report, the Town of Cheverly did not offer any comment 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.

RECOMMENDATION

Based upon the foregoing evaluation, analysis, and findings, the Urban Design Section recommends that the Planning Board adopt the findings of this report and APPROVE this application, as follows:

A. APPROVE Departure from Parking and Loading Spaces, DPLS-473, for a reduction of 647 parking spaces from the requirements of Section 27-568 of the Zoning Ordinance for the existing multifamily development.

B. APPROVE Detailed Site Plan DSP-09013-01, Quincy Manor, with variances from Section 27-442 (d), (e), (g) for Parcels L, M, and N and from Section 27-442 (h) for overall density of 21.75 dwelling units per acre, subject to the following conditions:

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.