



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Detailed Site Plan

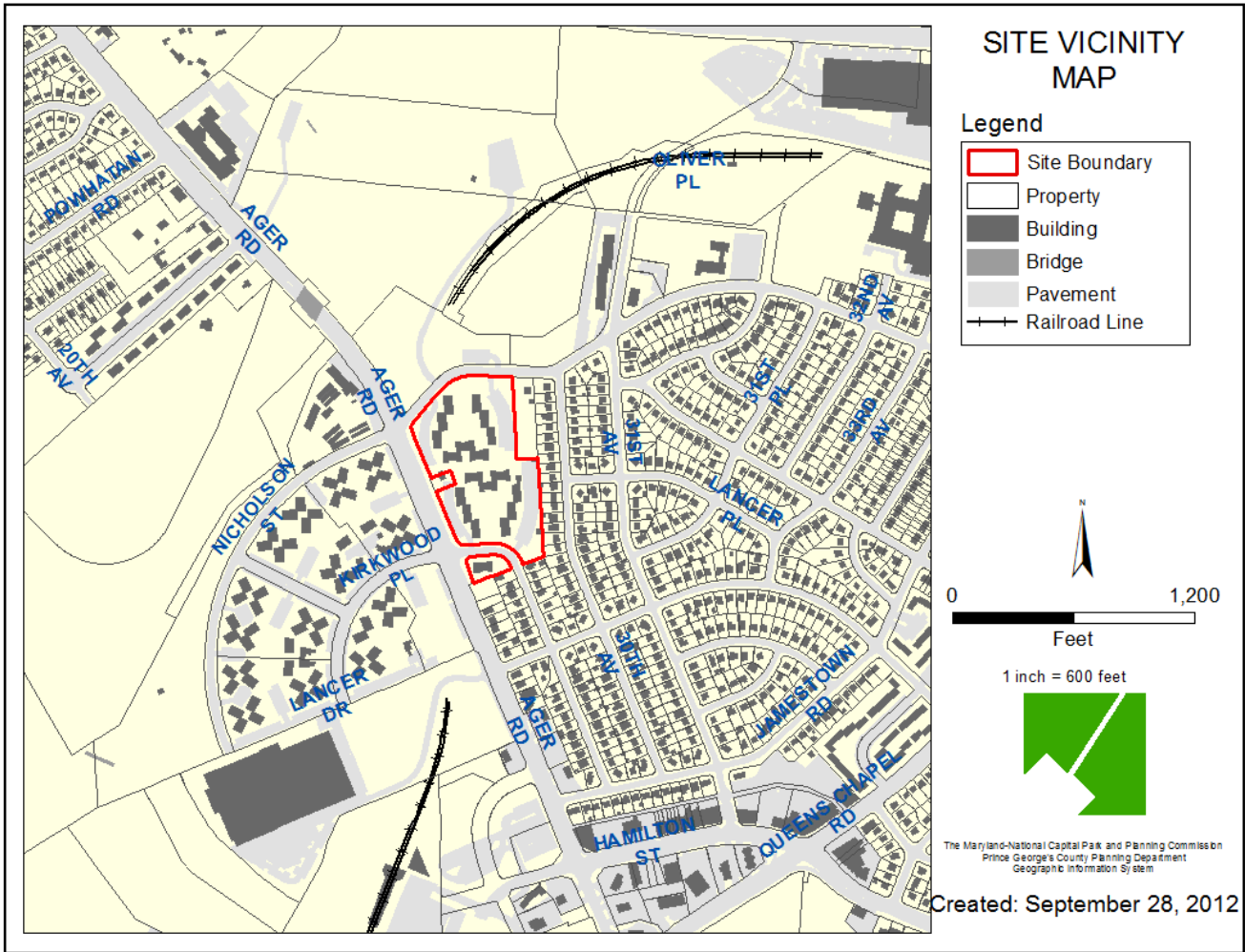
Special Permit

DSP-12046
SP-120001

Application	General Data	
Project Name: North Pointe, (aka Ager Road Station & Queens Chapel Apartments) Location: Southeastern quadrant of the intersection of Ager Road and Nicholson Street. Applicant/Address: North Pointe LLC 5720 29 th Avenue Hyattsville, MD 20782	Planning Board Hearing Date:	01/24/13
	Staff Report Date:	01/09/13
	Date Accepted:	11/04/12
	Planning Board Action Limit:	01/24/13
	Plan Acreage:	9.42
	Zone:	R-18/D-D-O
	Dwelling Units:	234
	Gross Floor Area:	186,960 sq. ft.
	Planning Area:	68
	Tier:	Developed
	Council District:	02
	Election District	16
	Municipality:	Hyattsville
	200-Scale Base Map:	207NE02

Purpose of Application	Notice Dates	
The addition of six units to an existing 228-unit multifamily development, and a reduction in the parking requirement by fourteen spaces.	Informational Mailing:	10/04/12
	Acceptance Mailing:	11/04/12
	Sign Posting Deadline:	12/25/12

Staff Recommendation		Staff Reviewer: Meika Fields Phone Number: 301-780-2458 E-mail: Meika.Fields@ppd.mncppc.org	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		



MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-12046
Special Permit SP-120001
North Pointe Apartments

The Urban Design staff has reviewed the detailed site plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL with conditions as described in the Recommendation Section of this report.

EVALUATION

The detailed site plan (DSP) was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*.
- b. The following requirements of the Zoning Ordinance:
 - (1) Section 27-441 which governs permitted uses in residential zones.
 - (2) Section 27-442 which contains additional regulations for development in residential zones.
 - (3) Section 27-548.25, which contains requirements for approval of sites in the Development District Overlay Zone.
- c. The requirements of the 1990 and 2010 *Prince George's County Landscape Manual*.
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance
- e. The requirements of the Tree Canopy Coverage Ordinance.
- f. The required findings for approval of a departure from parking and loading standards in a Development District Overlay Zone (D-D-O-Z).
- g. Referral comments.

FINDINGS

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

1. **Request:** The subject application requests approval to add six units to an existing 228 unit multifamily development, and to reduce the parking requirement by 14 spaces.
2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-18/D-D-O	R-18/D-D-O
Use(s)	Multifamily	Multifamily
Acreage	9.42	9.42
Site Square Footage/GFA	186,960	186,960
Total Rental Unit Count	228	234
One bedroom units	99	100
Two bedroom units	99	104
Three bedroom units	30	30

Other Development Data:

Parking Required per NCU 6113-2002 for 228 units	228 spaces
--	------------

Parking Required for 6 additional units per Section 27-568	15 spaces
1 one-bedroom unit @ 2.0 spaces per unit = 2 spaces	
5 two-bedroom units @ 2.5 spaces per unit = 13 spaces	

Total Parking spaces required per Section 27-568	243 spaces
Total Parking spaces provided	229 spaces

With the proposed additional 6 units, a deficit of 14 parking spaces will exist on the site. The application proposes no modification to the existing parking lot.

3. **Location:** The site is in Planning Area 68, Council District 2 in the City of Hyattsville. More specifically, it is located in the southeastern quadrant of the intersection of Ager Road and Nicholson Street, within approximately one-quarter mile of the West Hyattsville Metro station. The property address is 5720 29th Avenue.
4. **Surrounding Uses:** The subject site is located in the Multifamily Medium-Density Residential (R-18) Zone. It is bounded to the north by Nicholson Street and to the west by Ager Road. East of the subject property are single-family detached homes in the One-Family Detached Residential (R-55) Zone. South of the subject property are single-family detached homes in the R-55 and Townhouse (R-T) zones.
5. **Previous Approvals:** The North Pointe Apartments has been in continuous operation since 1954, when the complex was first constructed. The property was previously known as Queens Chapel Apartments and Ager Road Station Apartments. The Maryland-National Capital Park and

Planning Commission (M-NCPPC) approved a nonconforming use site plan and permit NCU-6113-2002-U for 228 dwelling units (including 99 one-bedroom units, 99 two-bedroom units, and 30 three-bedroom units) and 229 parking spaces on April 8, 2002.

6. **Design Features:** North Pointe Apartments is a garden-style apartment complex with 228 rentable units. Five janitor apartment units and one model unit were also constructed with the existing apartment complex buildings, but were not certified with the 228 other rental units in 2002. The janitor and model units are located within buildings 7, 12, 16 and 19. The applicant seeks approval with the subject application to convert the existing janitor apartments and model unit into six additional rental apartment units. The subject application proposes no increase of existing floor area, and is exempt from development district standards.

COMPLIANCE WITH EVALUATION CRITERIA

7. **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 Multifamily Residential Community (MRC) character area of the November 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*. The application conforms to the land use recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for properties classified in the Multifamily Residential Community Character Area. The goals for this area include: (1) promoting development of high-quality multifamily residential housing with the potential for artist studios for residents (2) promoting renovation and/or redevelopment and increasing the variety of multifamily housing options (3) encouraging multimodal transportation options, all of which may be furthered by this application.

Per the November 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, expansion of a certified non-conforming use requires a detailed site plan, if the proposal does not conform to the standards.

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.**

The subject application is an expansion of a non-conforming use because it includes additional rental units, although no additional gross floor area (GFA) is proposed. At the time a use and occupancy permit was applied for, the subject application was not able to demonstrate conformance with parking requirements contained in the sector plan or the Zoning Ordinance. It was therefore determined that a detailed site plan should be required for the six-unit expansion of the non-conforming use and the resulting deficit in the number of required parking spaces on the site.

8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the Multifamily Medium-Density Residential (R-18) and Development District Overlay (D-D-O) Zones and the site plan design guidelines of the Zoning Ordinance, as applicable.

- a. Section 27-441, Table of Uses, governs permitted uses in residential zones. The subject multifamily use is permitted in the Multifamily Medium Density Residential (R-18) Zone.
- b. Parking and loading on the subject site were constructed in 1954, and were subject to the parking requirements in effect at that time. Non-Conforming Use Permit NCU-6113-2002 required 228 parking spaces for 228 rental units, while 229 parking spaces existed on the site.

The certified non-conforming apartments had previously been exempt from the current parking standards contained in Part 11, Off-Street Parking and Loading, pursuant to Section 27-584(a)(1), Exclusion of previously existing uses, which states:

(a) The following shall not be required to comply with the provisions of this Part:

- (1) Any legally existing use that complies with the previous requirements for parking and loading areas (in effect at the time the use began). If the use is a certified nonconforming use, the parking lot or loading area used with it shall not be reduced, except in accordance with this Part;**

Comment: As the proposed additional rental units would require additional parking, the above exemption from the requirements of Part 11 of the Zoning Ordinance is no longer permitted under Section 27-584(a)(1). The six additional units, which were not certified with the non-conforming use application, should meet the current parking design standards. The Zoning Ordinance requires fifteen parking spaces for the six rental units.

The application which is located in a D-D-O Zone, has been required to file a detailed site plan to include six additional rental units and reduce the parking requirement by fourteen spaces.

- c. Section 27-548.25, Site Plan Approval, gives the following additional considerations for sites in development districts:

Section 27-548.25(b)

In approving the Detailed Site Plan, the Planning Board shall find that the site plan meets applicable Development District Standards.

Comment: The applicability of the development district standards is limited in this case, because the application does not propose an increase in gross floor area, nor any modification of the existing parking lot. The development district standards have been considered in the analysis of the subject request; however, no development district standards strictly apply to the subject site, including the regulations for required parking contained in the D-D-O-Z, which are also considered to be development district standards.

Section 27-548.25(e)

If a use would normally require a variance or departure, separate application shall not be required, but the Planning Board shall find in its approval of the site plan that the variance or departure conforms to all applicable Development District Standards.

Comment: The subject proposal, which requests a reduction in the parking requirement, would normally require a departure from parking and loading standards. No separate application has been required. See Finding 12 for additional discussion of the departure request.

9. **The Prince George's County Landscape Manual:** The subject application for an addition of units and modification of the parking requirement does not subject the site to the requirements of the 2010 *Prince George's County Landscape Manual*.
10. **Woodland and Wildlife Habitat Conservation Ordinance:** The subject application is not subject to the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, as no site disturbance is proposed.
11. **Tree Canopy Coverage Ordinance:** The subject proposal is exempt from the requirements of the Tree Canopy Coverage Ordinance as no site disturbance is proposed.
12. **Departure from Parking and Loading Spaces:** The subject site requires a departure from parking and loading spaces. As the site is located within a development district, no separate application has been required for the departure.

The departure request has been reviewed in consideration of the requirements of the Subtitle 27 as well as consistency with the goals of sector plan. The transportation goals for the sector plan are shown on page 39 of the document; the expansion of this use is compatible with the two goals, which are:

1. **To provide an integrated multimodal transportation system that is safe, efficient, attractive, and accessible, while reducing dependency on the automobile.**
2. **To provide safe and convenient pedestrian and nonmotorized circulation opportunities in the Arts District for recreation and transportation, with an emphasis on connections to Metro and US 1.**

The Transportation Planning Section has determined that the expansion would generate 4 AM and 4 PM peak-hour vehicle trips. This amount of traffic would be considered to have a de minimus impact on adjacent roadways. Ager Road is a master plan arterial facility, and the existing 128-foot right-of-way is consistent with the master plan recommendation.

The Zoning Ordinance provides minimum standards for on-site parking and loading on the subject property for two primary reasons. The standards protect the patrons of the subject property from the problems caused by not having adequate and available parking at hand. The parking standards also protect neighboring property owners from the problems caused by persons residing on or visiting the subject property and using parking spaces on adjacent land or streets during that time.

The applicant completed a parking survey (Silberholz to Adams, October 4, 2012) on the subject site and provided the following summarized statement for evaluation:

The survey was conducted with the purpose of determining the number of existing parking spaces that are vacant during the peak usage of the North Pointe Apartment complex, which I have determined would be a Saturday morning, when the majority of residents would be at home and thus have their car parked within the North Pointe Apartment parking lot. We conducted the survey to determine if there currently is adequate parking to accommodate the conversion of six (6) janitor/model units to rental units, as proposed by the subject application. As discussed in detail herein, there are over 80 existing vacant spaces during the peak usage period of the North Pointe Apartment complex parking lot, and thus more than adequate existing parking spaces to accommodate the conversion of six (6) janitor/model units to rental apartments.

The methodology utilized in the survey assumed that a parking count, which was conducted during the weekend versus a normal Monday through Friday workday, provides the best opportunity to find the greatest number of tenants residing in their apartments (i.e., at home) instead of at work. The survey which was personally conducted by me relied on a visual count of the number of parking spaces that were found to be vacant. I conducted the survey early in the morning of Saturday, September 29, 2012. I was onsite to begin the survey at 7:42AM and was on the property for a total time of approximately 1/2 hour.

Based on the observations I made during my site visit, I found that a total of 84 (37 percent) existing parking spaces were vacant and available to provide additional parking for the apartment complex. Also, during my time visiting the site I observed four (4) vehicles leaving the parking areas. Those four spaces that became vacant during my site visit were counted as being “parked” and not included in the “available parking” count. For purposes of performing the parking survey I used the same Site Plan that is being used for the referenced Detailed Site Plan and Special Permit application. The following is a breakdown of the vacant space parking counts spread across the four existing parking lots:

Parking Lot# 1

(i.e., located at the northeast quadrant of the property adjacent to buildings 1, 2, and 3):

a.	Total Spaces in Lot	= 60
b.	Compact vacant spaces	= N/A
c.	Standard vacant spaces	= 31
d.	<u>Parallel vacant spaces</u>	<u>= N/A</u>
e.	Total Vacant Spaces	= 31

Parking Lot# 2

(i.e., located at the southeast quadrant of the property adjacent to buildings 10, 11, 12, and 13):

a.	Total Spaces in Lot	=	87
b.	Compact vacant spaces	=	N/A
c.	Standard vacant spaces	=	31
d.	<u>Parallel vacant spaces</u>	=	<u>N/A</u>
e.	Total Vacant Spaces	=	36

Parking Lot# 3

(i.e., located at the northwest quadrant of the property adjacent to Buildings 7, 8, and 9):

a.	Total Spaces in Lot	=	40
b.	Compact vacant spaces	=	N/A
c.	Standard vacant spaces	=	7
d.	<u>Parallel vacant spaces</u>	=	<u>3</u>
e.	Total Vacant Spaces	=	10

Parking Lot# 4

(i.e., located at the southwest quadrant of the property adjacent to Buildings 16, 17 and 18):

a.	Total Spaces in Lot	=	42
b.	Compact vacant spaces	=	N/A
c.	Standard vacant spaces	=	6
d.	<u>Parallel vacant spaces</u>	=	<u>1</u>
e.	Total Vacant Spaces	=	7

Of the 84 existing vacant parking spaces determined to be available, approximately 48 of those spaces are considered to be within close proximity to the six janitor/model units proposed for conversion.

While the survey was done on only one occasion, the submitted information does appear to demonstrate that there is excess parking on the site. Although not stated in the applicant's justification, the site appears to be well-served by public transportation, with three different bus lines traversing Ager Road adjacent to the site and a bus stop at Ager Road and Nicholson Lane. Also, the site is about 2,700 feet from the entrance to the West Hyattsville Metrorail station; while this is a long walk, it is reasonable, and facilities appear to be in place to complement it. The availability of transit is a consideration that can be used in approving a departure from parking and loading standards. Furthermore, while the development district's parking standards do not apply in this case, they would only require one space per unit for a total of 234 required parking spaces. Parking reductions are also encouraged in the D-D-O-Z Zone as a means to reduce dependency on the automobile.

Given that the requested departure is very small in comparison to the overall on-site parking supply, the survey combined with the availability of transit provides a degree of assurance that available parking can serve the expanded use, and that granting the departure would be consistent with the goals of the sector plan.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Community Planning North Division**—In a memorandum dated December 18, 2012, the Community Planning North Division stated that the application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier, and conforms to the land use recommendations of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* for properties within the Multifamily Residential Community Character Area. The proposed reduction of surface parking areas is in harmony with the sector plan's goal to encourage multimodal transportation options within the Multifamily Residential Community Character Area.
 - b. **Transportation Planning Section**—In a memorandum dated December 28, 2012, the Transportation Planning Section provided comment on the submitted detailed site plan. At present, the site has adequate parking. The applicant's justification statement relies upon a parking survey to make a case for the departure. The survey determined that approximately 84 spaces out of 229 were vacant. The following are noted in the review of the submitted information:
 - The survey was done on a single occasion. Multiple observations provide a greater reliability in a survey.
 - The survey was done between the hours of 7:40 a.m. and 8:10 a.m. on a Saturday. *Parking Generation, Third Edition* (Institute of Transportation Engineers) indicates that peak parking on a Saturday is between 9:00 p.m. and 7:00 a.m. Therefore, the survey commenced well after the time of peak demand according to recognized sources.
 - It is noted that parking areas nearest the adjacent single-family communities had the most vacant parking in the survey. This does bolster the argument that granting the departure would be unlikely to affect neighboring communities.

Given that the requested departure is very small in comparison to the overall on-site parking supply, the survey combined with the availability of transit provides a degree of consideration that available parking can serve the expanded use, and that granting the departure would be consistent with the goals of the sector plan.
 - c. **Permit Review Section**—In a memorandum dated December 4, 2012, the Permit Review Section offered comment on the subject proposal. There are no issues of relevance to the proposal.
 - d. **City of Hyattsville**—No referral comments have been received by the City of Hyattsville prior to the writing of this technical staff report.
14. Based upon the foregoing analysis and 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.
15. As required by Section 27-285(b)(4) of the Zoning Ordinance, which became effective on

September 1, 2010, a required 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.

16. Based on the foregoing analysis and 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 proposed increase in the number of rental units is compatible with adjacent uses and meets the goals of the sector plan.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report, and APPROVE Detailed Site Plan DSP-12046 and Special Permit SP-120001, North Pointe Apartments, subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall revise the plans as follows:
 - a. Provide the parking calculations required per Section 27-568 of the Zoning Ordinance.
 - b. Indicate that a reduction of 14 parking spaces is approved with the subject application.