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Detailed Site Plan Special Permit

DSP-11002
SP-110001

Application	General Data	
Project Name: Campbell Residence Location: West side of 41 st Avenue approximately 500 feet south of Queensbury Road. Applicant/Address: Michael Campbell 6118 41st Avenue Hyattsville, MD 20782	Planning Board Hearing Date:	06/16/11
	Staff Report Date:	06/06/11
	Date Accepted:	04/11/11
	Planning Board Action Limit:	06/20/11
	Plan Acreage:	0.128 acres
	Zone:	R-35
	Dwelling Units:	3
	Gross Square Footage:	2,523 sq. ft.
	Planning Area:	68
	Tier:	Developed
	Council District:	02
	Election District	16
	Municipality:	Hyattsville
	200-Scale Base Map:	207NE03

Purpose of Application	Notice Dates	
Amending the Table of Uses for the November 2004 <i>Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District</i> to add a multifamily dwelling use in the Traditional Residential Neighborhood character area.	Informational Mailing:	02/25/11
	Acceptance Mailing:	04/08/11
	Sign Posting Deadline:	05/17/11

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	

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Detailed Site Plan DSP-11002
Special Permit SP-110001
Campbell Residence

Urban Design staff has completed its review of the subject application and appropriate referrals. The following evaluation and findings lead to a recommendation of DISAPPROVAL, as described in the Recommendation Section of this report.

EVALUATION

This detailed site plan and special permit were reviewed and evaluated for compliance with the following criteria:

- a. The requirements of the Zoning Ordinance for the One-Family Semidetached, and Two-Family Detached, Residential (R-35) Zone and Development District Overlay (D-D-O) Zone;
- b. The requirements of the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*;
- c. The requirements of the 2010 *Prince George's County Landscape Manual*;
- d. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance; and
- e. Referrals.

EVALUATION

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

- 1. **Request:** The subject application requests an amendment of the Table of Uses for the November 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* to allow a multifamily dwelling use for a three-unit residence within the Traditional Residential Neighborhood character area.

2. **Development Data Summary:**

	EXISTING	PROPOSED
Zone	R-35/D-D-O	R-35/D-D-O
Use(s)	Two-Family Dwelling	Multifamily Dwelling
Acreage	0.128	0.128
Lots	1	1
Total Square Feet (GFA)	1,860*	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 single-family detached dwelling in the R-35/D-D-O Zone; to the south by an existing single-family detached 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. 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.

The existing structure is approved as a duplex or two-family residence. The 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. State of Maryland real property data indicates that the 1,860-square-foot structure was built in 1947.

The architectural character of the existing structure is similar in style to that of other larger single-family structures 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 altered pattern of the brick and presence of concrete in this location indicates that, at some point in the history of the building, a feature, such as a garage, may have been added and removed. No garage or feature exists today; however the incongruous façade materials remain.

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 floor 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 has stated that the units are ample in size to be two-bedroom units. All units are proposed as rentals.

The subject property has a level 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 as well. 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 driveway provides off-street parking sufficient for two automobiles. In addition to the off-street parking, the site has fifty feet of street frontage on 41st Avenue, which can accommodate one additional parking space. The Zoning Ordinance requires a minimum of one parking space per dwelling unit for conversions of one-family detached dwellings to include additional dwelling units. The provided on and off-street parking spaces are the minimum required by the Zoning Ordinance.

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

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application is for a change in the Table of Uses for the November 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* to allow a multifamily dwelling use for a three-unit residence within the Traditional Residential Neighborhood character area. Generally, the uses 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 Gateways 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 the case of the subject property, the multifamily use is not permitted in the Gateway Arts District Traditional Residential Neighborhood character area, nor is it permitted in the underlying R-35 Zone. However, because the Zoning Ordinance allows the Development District Standards of the Gateway Arts District D-D-O Zone to include uses that are not permitted in underlying zones, the applicant may request an amendment to the Gateway Arts District D-D-O Zone use table in order to add the prohibited use, where the proposed use is compatible with the goals of the Prince George's County Gateway Arts District and purposes of the D-D-O-Zone. An amendment of the use table for the approved Development District Overlay Zone may be requested in lieu of rezoning the subject property.

An amendment of the use table, requested by a property owner, must be reviewed by technical staff and presented at a public hearing to the Planning Board. The Planning Board shall submit a recommendation to the District Council. The District Council shall make a determination on the application in accordance with the below provision:

Section 27-548.26(b), Amendment of Approved Development District Overlay Zone-Property Owner

- (5) The District Council may approve, approve with conditions, or disapprove any amendment requested by a property owner under this Section. In approving an application and site plan, the District Council shall find that the proposed development conforms with the purposes and recommendations for the Development District, as stated in the Master Plan, Master Plan Amendment, or Sector Plan, and meets applicable site plan requirements.**

Staff has evaluated the proposed use and concludes that it does not meet the requirements of Section 27-548.22(b), which calls for compatibility with the goals of the Prince George's County Gateway Arts District and the purposes of the D-D-O-Zone, or Section 27-548.26(b)(5), which requires that the development conforms with the purposes and recommendations for the Development District.

Staff has reviewed the detailed site plan against the above sections of the Zoning Ordinance and offers comment on the relevant criteria.

Criterion 1: Conformance with the purposes and recommendations for the Development District, as stated in the master plan, master plan amendment, or sector plan.

Comment: While the purpose of the Development District is not simply or explicitly expressed in the sector plan, it may be stated that the overarching purpose is to promote the evolution of a vital arts district. This purpose is achieved through the implementation of seven character areas within the Gateway Arts District. Each of those character areas identifies the distinctive goal, or goals, with development recommendations for that character area. The subject proposal does not conform to goals or land use recommendations of its Traditional Residential Neighborhood character area.

There is a separate character area within the Gateway Arts District sector plan with the goal of meeting the area's multifamily housing needs, namely the Multifamily Residential Community Character Area. The locations of the Multifamily Residential Community Character Areas are scattered throughout the Arts District, mostly east of Queens Chapel Road in areas with multifamily zoning.

Criterion 2: Compatibility with the goals of the Prince George's County Gateway Arts District.

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 Arts District.

Staff determines that the conversion of existing single-family housing stock into multifamily rental housing is not compatible with the singular goal and land use recommendations of the Traditional Residential Neighborhood (TRN) character area. While there will be virtually no effect on the structure's exterior appearance or the natural wooded features of the lot, there are other elements of single-family residential community character, such as the traffic, on-street parking, and overall community density, that would certainly be impacted. The density of the proposal is three units for a 5,850-square-foot lot, or approximately 23 units an acre, which more than doubles the preferred density of the TRN character area. These impacts may have a detrimental effect on the sense of quiet within the neighborhood and other less than tangible elements that maintain the integrity and character of a single-family residential community.

Criterion 3: Compatibility with the purposes of the D-D-O Zone.

Section 27-548.20, Purposes.

(a) The specific purposes of the Development District Overlay Zone are:

(1) To provide a close link between Master Plans, Master Plan Amendments, or Sector Plans and their implementation;

Comment: Staff determines that the requested amendment of the table of uses in the TRN character area would create, not a closer link, but a disconnection between this goal of the TRN character area and its implementation.

- (2) **To provide flexibility within a regulatory framework to encourage innovative design solutions;**
- (3) **To provide uniform development criteria utilizing design standards approved or amended by the District Council;**
- (4) **To promote an appropriate mix of land uses;**
- (5) **To encourage compact development;**

Comment: The development proposal does encourage compact development; however, staff has concerns that the proposal permits more intensity in land use than is considered desirable within the TRN character area.

- (6) **To encourage compatible development which complements and enhances the character of an area;**

Comment: Staff determines that the proposal does not enhance the character of the area, because it is in direct conflict with the land use and character area recommendations within the sector plan.

- (7) **To promote a sense of place by preserving character-defining features within a community;**

Comment: The sector plan identifies the character-defining features of the community as the historic and vernacular housing stock, natural wooded features, quiet, community-oriented nature; low traffic; and lower density. Since there are no exterior alterations proposed to the existing building or site, staff does agree that some of the character-defining features of the community are preserved; however, there are other features of a single-family residential community that are not preserved through this proposal.

- (8) **To encourage pedestrian activity;**

Comment: The proposal has no impact on existing pedestrian infrastructure within the neighborhood.

- (9) **To promote economic vitality and investment.**

Comment: Approval of the proposal would permit the applicant to maintain this property as three-unit rental building. No evidence was presented to indicate that this increase in the applicant's return on his investment will promote long-term economic vitality in the neighborhood. Approval of this application may encourage other property owners to convert their larger single-family residences into multifamily or three-family dwellings. A proliferation of investments of this type could erode the single-family character of this older neighborhood. An increase in rental units can signify a more transient resident population. With time, families may choose to relocate elsewhere because they are less likely to want to reside in the smaller resulting units.

In meetings with staff, the applicant has asserted that many of these larger homes are already being rented illegally, without the proper permits. When the applicant

purchased this property in December 2009, it had already been converted by a previous owner to a three-unit residence. It is the applicant's goal with this application to validate a use that already proliferates in the existing neighborhood.

Staff recognizes that there may be conflicts between the goals of the character area and the preference of property owners in that area. However, if any comprehensive policy change for this character area is deemed necessary, it should be facilitated through a planning study for this character area followed by legislative amendments determined necessary by the District Council.

Criterion 4: Meets applicable site plan requirements.

Comment: Conformance with additional site plan requirements is addressed in the body of this technical staff report.

The subject application does not meet the required findings for an amendment to the Table of Uses, because it is not compatible with the goal of the applicable character area within the development district; it does not conform with the recommendations of the applicable character area within the development district; nor is it compatible with the purposes of the D-D-O Zone.

8. **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 Gateway Arts District sector plan and SMA state 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 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.

Staff notes that because the single-family conversion to a multifamily building is not a permitted use in the TRN character area, there are no clear development district standards that apply to the subject proposal. Effective single-family housing conversions within traditional residential neighborhoods require comprehensive development standards and guidelines. The guidelines should minimally address: buffering between more intense and less intense uses, parking standards, minimum lot sizes for these uses, and potentially minimum unit sizes within the converted dwelling to ensure that single-family neighborhood character is maintained. No such standards exist. Because uniform standards do not currently exist, staff cannot ensure that the proposed use will not impair the character of the existing single-family neighborhood, or burden adjacent property owners.

9. **2010 Prince George's County Landscape Manual:** 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 *Prince George's County Landscape Manual*.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** The site is exempt from the Woodland and Wildlife Habitat Conservation Ordinance. The site is not required to submit a Natural Resource 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. **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 May 11, 2011, the Community Planning North Division noted that the application is consistent with the 2002 General Plan Development Pattern policies for the Developed Tier, and that the application does not conform with the Traditional Residential Neighborhood (TRN) character area land use recommendations of the 2004 Gateway Arts District sector plan and SMA. The Community Planning North Division offered the following comments:

The applicant is proposing an amendment to the 2004 *Gateway Arts District Sector Plan and Sectional Map Amendment* use table to allow for a three family/multifamily use. There is no proposed construction. The sector plan and SMA retained the R-35 zoning. The property exists within the Traditional Residential Neighborhood character area. The underlying zoning and DDOZ use tables do not permit three family and multifamily uses within this zone and character area.

The goal of the Traditional Residential Neighborhood (TRN) Character area is to preserve the single-family residential neighborhood character area as an anchor of the 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 houses, two-family duplexes and scattered single-family conversions.

The 2004 *Gateway Arts District Sector Plan* also defines a Multifamily Residential Community character area that provides for three-family and multifamily uses which are situated throughout the sector plan area. These areas are zoned for three-family and multifamily uses.

There is limited street parking available on the west side of 41st Avenue. The parking standard within the TRN character area provides that parking for residential and live/work uses shall consist of a minimum of 1 and a maximum of 2 on-site spaces per lot. If the dwelling lot fronts on a street with on-street residential parking, each 20 feet of linear frontage may be substituted for 1 space. This standard was intended primarily for single-family dwellings and not individual units.

Comment: The detailed site plan application was revised to provide for three parking spaces, two on-site, and one on the street. There is not enough linear street frontage, excluding the driveway, to accommodate additional on-street parking spaces in front of the subject property.

- b. **Historic Preservation Section**—In a memorandum dated April 11, 2011, the Historic Preservation Section provided comment on the subject application. The proposed DSP and SP will have no adverse effect on identified historic sites, resources, or districts.
 - c. **The Transportation Planning Section**—In a memorandum dated April 27, 2011, the Transportation Planning Section stated that the site appears to be consistent with approved sector plans and other previous plans, regarding transportation and circulation.
 - d. **The Environmental Planning Section**—In comments dated April 22, 2011, the Environmental Planning Section stated that there are no environmental issues related to the subject proposal for the addition of a use. The comment was submitted in lieu of a memorandum.
 - e. **Permit Review Section**—The Permit Review Section noted that the proposed use was not permitted in the underlying zone in comments dated April 29, 2011.
 - f. **City of Hyattsville**—In a letter dated May 3, 2011 from Mayor William Gardiner, the City of Hyattsville provided referral comment on the subject site plan. On May 2, 2011, the City of Hyattsville voted unanimously to oppose the subject proposal. The request was reviewed by the Hyattsville Planning Committee and City Council, which determined that the requested use is explicitly prohibited in both the Table of Uses and in the underlying zoning and furthermore is inconsistent with the principles of the Traditional Residential Neighborhood (TRN) of the Gateway Arts District.
12. As required by Section 27-285(b) of the Zoning Ordinance, the preceding analysis of the requirements of the Zoning Ordinance in the R-35 and D-D-O Zones, and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District* lead to the conclusion that the detailed site plan does not represent a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.

RECOMMENDATION

Based on the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and recommend that the District Council DISAPPROVE Detailed Site Plan DSP-11002 and Special Permit SP-110001.