

RESOLUTION

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on June 4, 2015, regarding Detailed Site Plan DSP-14032 for 5900 Burgundy Street, the Planning Board finds:

1. **Request:** The subject proposal is to validate the construction of a new single-family detached residence within the One-Family Detached Residential (R-55) Zone and the Transit District Overlay (T-D-O) Zone of the 2008 *Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment* (Capitol Heights TDDP). The TDDP requires detailed site plan (DSP) review and approval by the Prince George’s County Planning Board for new single-family residential dwellings.

2. **Development Data Summary:**

	EXISTING	APPROVED
	R-55/T-D-O	R-55/T-D-O
Zone	Single-Family Residential	Single-Family Residential
Use(s)	Single-Family Residential	Single-Family Residential
Acreage	0.138	0.124
Lots	3	3
Total Gross Floor Area	3,441	3,441
Finished Floor Area	3,123	3,123

Prior to certification of the DSP, the existing and proposed gross floor area should be provided in a plan note.

3. **Location:** The address for the subject site is 5900 Burgundy Street in Capitol Heights, Maryland. The 0.138-acre lot is located on the north side of Burgundy Street, approximately 500 feet northeast of its intersection with East Capitol Street (MD 214).
4. **Surrounding Uses:** Surrounding the subject property are single-family detached dwellings located in the R-55/T-D-O Zones within the Capitol Heights TDDP. South and east of the subject property are R-55 and One-Family Triple-Attached Residential (R-20)-zoned properties within the 2000 *Approved Sector Plan and Sectional Map Amendment for the Addison Road Metro Town Center and Vicinity* and the Development District Overlay (D-D-O) Zone.

5. **Previous Approvals:** There are no previous Planning Board approvals of relevance to the subject review. The subject property is composed of Lots 21 through 23, Block 7—Tolson Heights, Addition to Maryland Park. The record plat was recorded circa 1935 as Plat BDS 1–7 in the Prince George’s County Land Records. The property is located on Tax Map 66 in Grid B–4, and is approximately 6,000 square feet. Tax Records indicate that a single-family residence was constructed on the property in 1929.
6. **Design Features:** The subject property is comprised of three narrow rectangular-shaped lots with frontage on Burgundy Street. The property is currently improved with a partially-constructed two-story dwelling with a garage. It is believed that the previous structure on the property was demolished around 2005.

With the subject DSP, the applicant proposes to complete construction of the existing dwelling, which was constructed without required permits. In addition to finishing the currently unfinished exterior, the applicant proposes removing an existing concrete stoop and a second concrete driveway.

COMPLIANCE WITH EVALUATION CRITERIA

7. **2008 Approved Capitol Heights Transit District Development Plan and Transit District Overlay Zoning Map Amendment:** The subject property is located in the Urban Neighborhood character area of the Capitol Heights TDDP. The vision for this area is to infill undeveloped lots with single-family detached dwellings with a design and scale that matches the existing neighborhood. Such features will include 10- to 15-foot setbacks, parking garages that are parallel with the front façades of residences, and building lot coverages ranging from 35 to 70 percent, with building heights not to exceed 35 feet.

- a. The subject application meets the following development district standards:

Urban Neighborhood—Single-Family Detached Character Area

- (1) **Buildings shall be between two and 2½ stories in height. No building shall exceed 35 feet in height.**

The building is 27.5 feet in height and conforms to the above standard.

- (4) **Buildings shall have side yards with a combined minimum width of 17 feet. No side yard shall be less than four feet wide. Buildings shall have rear yards no less than 25 feet deep.**

The side yard setbacks are 8 and 17 feet in width, and the rear yard setback is 31 feet. All setbacks are delineated on the plan and conform to the above requirement.

- (5) **Parking access shall be from the rear where an alley is present; otherwise, parking access shall be from the street.**

The site does not have alley access; therefore, the parking garage will be accessed from the street.

- (6) **Parking garages, carports and pads shall sit no closer to the street than the front façade of the residence that they serve. They shall be designed to accommodate no more than 2 fourwheeled vehicles parked side by side.**

The two-car garage is set back seven feet from the front façade, in keeping with this requirement.

- b. The subject application requires amendment of the following development district standards, as discussed below:

Urban Neighborhood—Single-Family Detached Character Area

- (2) **Buildings shall sit between 10 and 15 feet from the edge of the curb.**

The building setback from the curb is not delineated on the plan; however, it is measured to be approximately 17 feet. The newly proposed front stoop is approximately 11 feet from the curb. The existing building does not meet this standard and an amendment is necessary. Staff recommends that the amendment be approved, as the two additional feet of setback is minor, and the building location is generally consistent with adjacent properties. Further, staff recommends that the site plan be amended to dimension the exact proposed distance from the building to the curb.

- (3) **Buildings shall cover between 35 percent and 70 percent of their lot and shall occupy at least 35 percent of their street frontage.**

The building covers 1,782, or 33 percent, of the lot and 60 percent of the street frontage. The building coverage does not meet the sector plan requirements. Staff suggests that an amendment of this standard be approved. Should the applicant choose to expand the structure in the future, an expansion would be in keeping with the above requirement.

Although this single-family dwelling was constructed without a permit, it appears to have been built with dimensions that are not dissimilar from other nearby structures built before the approval of the new standards. Staff believes that the approval of the amended standards will not have an adverse effect on the neighborhood or the plan's vision for the area.

8. **The requirements of the Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-55 Zone and the site plan design guidelines 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 residential zones. The single-family detached house is a permitted use in the R-55 Zone.
 - b. The DSP is in general compliance with the requirements of Section 27-442, Regulations, for development in the R-55 Zone.
 - c. The DSP is in general conformance to the applicable site design guidelines as referenced in Section 27-283 and contained in Section 27-274 of the Zoning Ordinance.

9. **2010 Prince George's County Landscape Manual:** The site, as new residential construction, is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), as modified by the Capitol Heights TDDP. The following standards apply:
 - a. **Section 4.1, Residential Requirement**—The subject lot is less than 9,500 square feet in size and is required to be planted with a minimum of two major shade trees and two ornamental or evergreen trees per lot. Existing plant material may be used to meet this requirement. A Section 4.1 schedule should be placed on the plan, and the site and landscape plans should demonstrate conformance with this section.
 - b. **Section 4.9, Sustainable Landscaping Requirements**—The site is subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants. Prior to certification of the plan, if new plantings are required to meet the requirements of Section 4.1, the planting schedule and Section 4.9 schedule should be consistent with regard to native plantings.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance because the site is less than 40,000 square feet in size and has no previous tree conservation plan approval. The exemption letter is valid until January 8, 2017. A natural resources inventory (NRI) equivalency letter has been issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted. The NRI equivalency letter is valid until January 6, 2020.

11. **Prince George's County Tree Canopy Coverage Ordinance:** The project is not subject to the requirements of Subtitle 25, Division 3: Tree Canopy Coverage Ordinance because the disturbance on the site is less than 5,000 square feet.

12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

a. **Community Planning**—The Planning Board accepts the following analysis:

- (1) **Plan Prince George's 2035:** The *Plan Prince George's 2035 Approved General Plan* designates this area as a local transit center, which is one of its four local and suburban centers. The local transit center consists of smaller scale mixed-use centers that are primarily residential areas (average 30 to 100 DU/acre), well connected by transit, and a viable street grid offering local-serving retail with limited office uses.
- (2) **Capitol Heights TDDP:** The 2008 Capitol Heights TDDP envisions a new mixed-use center at the Capitol Heights Metro Station and a revitalized business district along East Capitol Street (MD 214). The character areas to the north, east, and south of the Metro center core will feature less density and transit- and pedestrian-oriented design to support the Metro station, while protecting existing neighborhoods.

Although this single-family dwelling was constructed without a permit, it appears to have been built with dimensions that are not dissimilar from other nearby structures built before the approval of the new standards, and will not have an adverse effect on the neighborhood or the plan's vision for the area. The size of the structure's rear yard, side yards, and building height appear to comply with the new standards.

b. **Subdivision Review**—The Planning Board found the following:

- (1) **Exemption from Preliminary Plan of Subdivision:** Pursuant to Section 24-111(c)(2) of the Subdivision Regulations, a site is exempt from the requirement of filing a preliminary plan of subdivision if the proposed use is for a single-family dwelling and uses accessory thereto. As previously discussed, the DSP indicates that the proposed use is for a single-family dwelling and accessory uses, therefore, a preliminary plan and final plat is not required.
- (2) **Plan Revisions:** The DSP shows right-of-way dedication of 25 feet from centerline for the subject property. However, the total square footage of the dedication is not provided, and the resulting reduction in square footage for the subject site is not shown. The plan should be revised to provide this information. The deed reference in Site Note 8 does not appear to be related to the subject property. The note should be revised to reference the correct liber/folio (L. 35997/F. 427).

c. **Historic Preservation**—There are no adjacent historic sites or resources.

- d. **Environmental Planning**—The Planning Board accepts that the referral package was stamped as received on March 27, 2015. The proposal is for construction of a single-family house.

The site has been issued a standard exemption from the Woodland and Wildlife Habitat Conservation Ordinance because the site is less than 40,000 square feet in size and has no previous tree conservation plan approval. The exemption letter is valid until January 8, 2017. A NRI equivalency letter has been issued based on the standard woodland conservation exemption and that no regulated environmental features will be impacted. The NRI equivalency letter is valid until January 6, 2020.

A stormwater management concept approval letter (24088-2011-00) issued by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) stated that no stormwater management is required because less than 5,000 square feet of disturbance is proposed.

The site does not front on any designated scenic or historic roadway. No other environmental requirements have been identified for this application.

- e. **Permit Review**—The following permit history for the subject property is provided:

1929: The original dwelling on the subject property was built in 1929 per Real Property Data.

1984: Permit 3143-1984-R was approved, issued, and closed for general rehabilitation of the existing house.

2005: Permit 13387-2005-RGU was recommended for approval for a 37.42-foot by 16.33-foot second story addition to the existing house and a 10-foot-wide by 25-foot-wide driveway by The Maryland-National Capital Park and Planning Commission (M-NCPPC), and subsequently issued by the Prince George's County Department of Environmental Resources (DER); however, the permit expired.

2005: Permit 37556-2005 complaint was filed for building a garage without a permit.

2005: The property was foreclosed upon.

2009: Permit 12312-2009 – violation notice issued—permit has expired, obtain a raze permit and remove structure.

2011: 13977-2011 – violation notice issued—obtain permit for new single-family dwelling or revise permit to reflect same, or remove.

2012: 10765-2012-R – interior work only—permit not issued.

2012: 13692-2012-RGU, new single-family home ref. permit 13387-2005—permit not referred to any agencies.

2012: 13693-2012-SGU – permit abandoned.

2012: 33910-2012-SGU – permit abandoned.

2014: 16455-2014-SGU – permit abandoned.

It is the understanding of permit review staff that one of the prior owners razed the existing house that had been on this lot since 1929 in 2005, and began to construct a new dwelling on the existing foundation with no permits issued by Prince George's County.

Since the residential use had ceased and no one was occupying the dwelling when the Capitol Heights TDDP came into effect and there was not a valid permit issued by the County that constructed the house, the standards of the TDDP should be met.

f. **Prince George's County Health Department**—In a memorandum dated May 6, 2015, the Health Department stated that the Environmental Engineering Program of the Health Department completed a health impact assessment review of the subject DSP and had the following recommendations:

(1) During the demolition/construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

A note to this effect should be provided on the plan.

(2) During the demolition/construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.

A note to this effect should be provided on the plan.

g. **Prince George's County Police Department**—In a memorandum dated April 2, 2015, the Police Department stated that, after visiting the site, there are no crime prevention through environmental design (CPTED) issues.

- h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—A stormwater management concept approval letter has been issued (24088-2011-00) by DPIE stating that no stormwater management is required because less than 5,000 square feet of disturbance is proposed. A condition of the stormwater concept approval is that the plan provide dedication along Burgundy Street. The plan shows ten feet of proposed dedication along Burgundy Street, consistent with this requirement.
 - i. **Town of Capitol Heights**—In an e-mail dated May 15, 2015, the Town indicated no opposition to the subject DSP.
13. Based upon the foregoing analysis and as required by Section 27-548.08(c) of the Zoning Ordinance, the following findings may be made:

(A) The Transit District Site Plan is in strict conformance with any mandatory requirements of the Transit District Development Plan;

The subject DSP is for approval of a new single-family detached house and is consistent with the land use vision of the Urban Neighborhood, which is to infill undeveloped lots with single-family detached dwellings with a design and scale that matches the existing neighborhood. The DSP proposes a single-family detached house that meets all of the applicable requirements. The DSP conforms to most of the mandatory requirements of the TDDP, except for two standards for which the applicant has requested the Planning Board to apply development standards that are different from the mandatory requirements in the TDDP in accordance with the prescribed procedure allowed by the Zoning Ordinance in Section 27-548.09.01(b).

(B) The Transit District Site Plan is consistent with, and reflects the guidelines and criteria for development contained in, the Transit District Development Plan;

The subject site is within the Urban Neighborhood character area, and the proposed single-family detached house is consistent with the development standards and guidelines of the Urban Neighborhood of the Capitol Heights TDDP.

(C) The Transit District Site Plan meets all of the requirements of the Transit District Overlay Zone, and applicable regulations of the underlying zones;

The subject DSP has been reviewed for conformance with all of the requirements and applicable regulations of the underlying zone, which is the R-55 Zone in this case. The Planning Board concluded that the DSP, in general, meets the requirements of the T-D-O and R-55 Zones.

(D) The location, size, and design of buildings, signs, other structures, open spaces, landscaping, pedestrian and vehicular circulation systems, and parking and loading areas maximize safety and efficiency, and are adequate to meet the purposes of the Transit District Overlay Zone;

The proposed single-family detached house is in general conformance with all of the existing single-family houses in the area in terms of size, location, and design of the residential building. There is no signage in this DSP. The entire site design maximizes safety and efficiency and adequately meets the purposes of the T-D-O Zone.

(E) Each structure and use, in the manner proposed, is compatible with other structures and uses in the Transit District, and with existing and proposed adjacent development.

As previously discussed, this DSP includes only one single-family detached home which is compatible with the existing single-family houses in the close vicinity. The proposed single-family detached house as an infill development meets the vision of the Capitol Heights TDDP. In conclusion, the proposed development, as contained in Detailed Site Plan DSP-14032, meets all of the above required findings for approval.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Detailed Site Plan DSP-14032, subject to the following conditions:

A. APPROVAL of the alternative development district standards for:

1. **Urban Neighborhood—Single-Family Detached Character Area, Build-to-Line:** To allow the building setback from the face of curb to be increased from 10-15 feet to 15-20 feet.
2. **Urban Neighborhood—Single-Family Detached Character Area, Lot Coverage:** To allow 33 percent lot coverage.

B. APPROVAL of Detailed Site Plan DSP-14032, 5900 Burgundy Street, Lots 21–23, Block 7, subject to the following conditions:

1. The following revisions shall be made to the detailed site plan, or information provided, prior to signature approval.
 - a. Provide the square footage of right-of-way dedication and the resulting lot area.
 - b. Provide the correct deed reference in Site Note 8 (L. 35997/F. 427).
 - c. Provide the dimensions of the deck on the site plan.
 - d. Provide a note on the plan to indicate the applicant's intent to comply with construction activity dust control requirements as specified in the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.

- e. Provide a note on the plan to indicate the applicant's intent to comply with construction activity noise control requirements as specified in Subtitle 19 of the Prince George's County Code.
- f. Add a note to the site plan indicating that the site is within the Capitol Heights Transit District Overlay (T-D-O) Zone and the Urban Neighborhood character area.
- g. Dimension the proposed building setback from the curb line and the right-of-way.
- h. Provide a completed Section 4.1, Residential Requirement, schedule on the plan demonstrating conformance with its requirements.

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

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Geraldo, and Hewlett voting in favor of the motion and with Commissioner Shoaff absent at its regular meeting held on Thursday, June 4, 2015, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 25th day of June 2015.

Patricia Colihan Barney
Executive Director

By Jessica Jones
Planning Board Administrator