

R E S O L U T I O N

WHEREAS, Chris Underwood is the owner of a 0.54-acre parcel of land known as Lots 32 and 33, said property being in the 17th Election District of Prince George's County, Maryland, and being zoned One-family Detached Residential (R-55) within the Development District Overlay (D-D-O) Zone; and

WHEREAS, on September 19, 2018, Chris Underwood filed an application for approval of a Preliminary Plan of Subdivision for three lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18003 for Mount Rainier Overlook was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on January 10, 2019, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on January 10, 2019, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-18003, Mount Rainier Overlook, for three lots with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to make the following technical corrections:
  - a. Remove the public utility easement along the rear property boundary of the subject site.
  - b. Note on the plans that vehicular access is authorized pursuant to Section 24-128(b)(8) of the Subdivision Regulations, and reflect that access is denied along Newton Street and 37th Street, saving the area of the alley access.
  - c. Reflect four additional feet for a proposed public vehicular access easement to be placed along the existing five-foot-wide alley access on the subject site, or provide nine feet of public right-of-way dedication from the rear property line, if accepted by the City of Mount Rainier.

2. Prior to approval of the final plat of subdivision, the final plat shall:
  - a. Note that vehicular access is denied along Newton Street and 37th Avenue, saving the area of the alley access.
  - b. Grant a ten-foot-wide public utility easement along the public rights-of-way.
  - c. Demonstrate that four additional feet for vehicular access is provided in a public access easement to the City of Mount Rainier, along the existing five-foot-wide access easement on the subject site, or provide nine feet of public right-of-way dedication from the rear property line if accepted by the City of Mount Rainier. If a public access easement is provided, a draft vehicular access easement agreement shall be submitted to the Subdivision and Zoning Section of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department, for review and approval prior to recording. The Liber and folio of the recorded public vehicular access easement agreement shall be noted on the final plat prior to recordation.
3. Prior to approval of the final plat, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee in lieu of parkland dedication.
4. Total development within the subject property shall be limited to uses which generate no more than 4 AM peak-hour trips and 5 PM peak-hour trips. Any development generating an impact greater than that identified herein shall require a new determination of the adequacy of transportation facilities and a new preliminary plan of subdivision.
5. A substantial change to the uses or site layout on the subject property that affects Subtitle 24 adequacy findings shall require approval of a new preliminary plan of subdivision prior to approval any building permits.
6. Development of this site shall be in conformance with approved Stormwater Management Concept Plan 18011-2018-00 and any subsequent revisions. The final plat shall note the stormwater management concept plan number and approval date.
7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, the applicant and the applicant's heirs, successors, and/or assignees shall provide standard sidewalks along the subject site's entire frontage of Newton Street and 37th Street, unless modified by the operating agency.
8. Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, (a) have full financial assurances, (b) have been permitted for

construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:

- a. Provide the striped crosswalk across Newton Street and upgraded pedestrian ramp as shown on the submitted Bicycle and Pedestrian Impact Statement exhibit.
  - b. Prior to approval of any building permit for the subject property, provide an exhibit that illustrates the location, limits, and details of the off-site crosswalk and Americans with Disabilities Act improvements proffered for the pedestrian crossing of Newton Street, consistent with Section 24-124.01(f).
9. Prior to approval of building permits, unless a detailed site plan (DSP) is required for the purpose of meeting requirements other than for historic compatibility:
- a. The architecture of the proposed units shall conform to the architecture, as depicted on Applicant's Exhibit A provided with approved Preliminary Plan of Subdivision 4-18003, as revised in accordance with Condition 10. All building permit applications shall be referred to the Historic Preservation Section for review and approval to ensure that the architecture is consistent with Applicant's Exhibit A;
  - b. In the event that the architecture proposed for construction does not conform to the architecture as depicted on Applicant's Exhibit A, prior to approval of a building permit, the revised architecture shall be reviewed and approved by the Historic Preservation Commission or designee for the purpose of evaluating the effect of the orientation, mass, height, materials, and design of the proposed development on the environmental setting of the Thomas W. Smith Farmhouse (Historic Site 68-013-071a); or
  - c. If a DSP is required in order to conform to the requirements of the DDOZ, architecture shall be reviewed and approved with that DSP.
10. Prior to signature approval of the preliminary plan of subdivision, Applicant's Exhibit A shall be revised as follows:
- a. Specify 1.25" X 6" trim above the windows rather than 1" X 6" trim.
  - b. Specify 1.25" X 12" fascia board under the roof overhang rather than 1' X 12" fascia board.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.

2. **Background**—The subject property is known as Lots 32 and 33 recorded in Plat Book RNR 2-67 on April 13, 1923. The site is located at the southwest quadrant of 37th Street and Newton Street in the One-family Detached Residential (R-55) Zone within the Development District Overlay (D-D-O) Zone. The site is subject to the 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George’s County Gateway Arts District* (Gateway Arts District Sector Plan and SMA). This application includes three lots for the development of three two-family detached dwellings (a total of six dwelling units).

The three lots range from 7,100 to 9,200 square feet, which contrasts with the existing 5,000-square-foot lotting pattern established for neighboring lots during the 1920s and designed to accommodate modest one-story, single-family detached dwellings. The dwelling units would have a direct visual impact on the surrounding neighborhood, including the Thomas W. Smith Farmhouse and the Sears mail order cottage, two historic sites adjacent to the subject property. Early in the review process, the applicant submitted proposed architecture to the Historic Preservation Commission (HPC) and has worked to refine the architecture in order to ensure compatibility and minimize the impact of the development to the adjacent historical sites. This is further discussed in the Historic Preservation finding.

Access is provided to the rear of the lots by means of an existing one-way, 10-foot-wide public alley. Five feet of the alley is located on the subject property, as further described by deeds recorded in the Prince George’s County Land Records in Liber 203 folio 417 and Liber 205 folio 59. The existing alley is maintained by the City of Mount Rainier. The underlying record plat offers no insight regarding the disposition or use of the alley which is reserved for public use through the aforementioned deeds only. Pursuant to Section 24-128(b)(8) of the Subdivision Regulations, the Prince George’s County Planning Board may approve a subdivision with private rights-of-way, easements, alleys, or roads as a means of vehicular access to a lot within a D-D-O Zone.

The existing 10-foot-wide alley is adequate to serve the existing one-story, single-family detached dwellings that abut this property. However, the development on-site will increase the units which access the alley. Further, there is potential for the remaining lots on this alley to be redeveloped in a similar manner, making the existing alley inadequate to serve the increased density. The requirement to widen this alley is further discussed in the Transportation finding.

3. **Setting**—The property is located on Tax Map 49, Grid F-4, in Planning Area 68. The site is bounded by Newton Street and the Thomas W. Smith Farmhouse Historic Site to the north, single-family detached dwellings to the west and south, and 37th Street to the east, with single-family detached dwellings beyond, all within the R-55 and D-D-O Zones.

4. **Development Data Summary**—The following information relates to the subject PPS application and the approved development.

Zone Use(s)	<b>EXISTING</b>	<b>APPROVED</b>
	R-55/D-D-O Vacant	R-55/D-D-O Two-Family Detached Dwellings
Acreage	0.54	0.54
Lots	2	3
Outlots	0	0
Parcels	0	0
Dwelling Units:	0	6

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on July 27, 2018.

5. **Previous Approvals**—A Conceptual Site Plan, CSP-13010, was approved by the Planning Board on July 31, 2014, which amended the use table of the Gateway Arts District Sector Plan and SMA to allow a bed and breakfast as a permitted use within the D-D-O Zone, which included the subject property.
6. **Community Planning**—The property is located in the Established Community Growth Policy area of the 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035). Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.

Plan 2035 designates 26 local centers, which includes new Purple Line stations, as focal points for development and civic activity based on their access to transit or major highways. This application is located in the Port Towns Neighborhood/Local Center. Plan 2035 contains recommendations for directing medium- to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities area. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available.

**Master Plan and Sectional map Amendment/Zoning**

The Gateway Arts District Sector Plan and SMA retained the property in the R-55 Zone. The SMA further superimposed a D-D-O Zone, placing the entire property in the Traditional Residential Neighborhood (TRN) Character Area. Properties in the R-55-Zone and TRN Character Area within the incorporated City of Mount Rainier are exempt from certain development district standards and abide by the requirements of the R-55 Zone (see Prince George’s County Council Resolution CR-80-2007).

Of the TRN, the sector plan states (page 14), “In many ways, the traditional residential neighborhood character areas suggest a glimpse of small town Americana. They overlay land zoned for single-family housing (attached and detached). The historic houses and streetcar suburban pattern of inter-connecting narrow streets and shaded sidewalks within easy access to town centers and Metro are assets to be protected from encroachment or significant loss of integrity.”

TRN Character Area Recommendation 2 states (page 27), “Reinforce existing single-family detached residential neighborhoods as community oriented, quiet, low-traffic, and child-safe.”

The goal for the TRN Character Area (page 138) is, “To promote development of both family- and artist-oriented residential development in the R-55, R-35, R-20, and R-T Zones. To preserve the single-family residential neighborhood character as the anchor of the Arts District, while supporting artists who produce and teach from their homes. To enhance the ‘built-in’ natural surveillance of public areas by active neighbors on porches, in yards, and on the sidewalk.”

The three two-family detached dwellings are compatible with the goal of the TRN. This character area anticipates a range of single-family housing types, which is reinforced by the concurrent SMA’s classification of properties in that area into a variety of single-family zones and its permission, by-right, of the housing type throughout the character area.

7. **Stormwater Management**—In accordance with Section 24-130 of the Subdivision Regulations, a Stormwater Management (SWM) Concept Plan and Letter (18011-2018-00), approved by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE), were submitted with the subject application and expires on July 27, 2021. The plan shows the use of a five-foot-wide grass swale, which runs across all three lots, for the drainage of stormwater. Development must conform to the approved SWM concept plan, or subsequent revisions, to ensure that on-site or downstream flooding do not occur.
8. **Parks and Recreation**—In accordance with Section 24-135 of the Subdivision Regulations, the payment of a fee in lieu of mandatory dedication of parkland is required due to the size, location, and configuration of the lots. The fee shall be paid prior to recordation of the final plat.
9. **Trails**—The subject application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the Gateway Arts District Sector Plan and SMA (area sector plan) in order to implement planned trails, bikeways, and pedestrian improvements. Because the site is located within a designated corridor (Baltimore Avenue), it is subject to Section 24-124.01 of the Subdivision Regulations and the “Transportation Review Guidelines, Part 2” at the time of PPS.

No master plan trails facilities are identified in the MPOT or the area sector plan which would impact the subject site. However, the Complete Streets element of the MPOT reiterates the need for continuous sidewalks along internal roads and all road frontages for new development under Policies 1 and 2 (page 46).

The submitted plan shows a sidewalk along the property frontage of Newton Street, but no sidewalk along 37th Street. The applicant shall provide a sidewalk along the frontage of 37th Street in order to conform to the MPOT.

**Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:** Due to the location of the subject site within the Baltimore Avenue Corridor, the application is subject to Prince George’s County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Based on the development included with this application, the cost cap for the site is \$1,800 per Section 24-124.01(c). The BPIS includes providing a striped crosswalk across Newton Street at 37th Street and providing a pedestrian ramp on the northwest corner of Newton Street and 37th Street.

**Finding of Adequate Bicycle and Pedestrian Facilities and Demonstrated Nexus Finding:** Both the off-site BPIS and sidewalk enhancements on the subject property will improve the facilities for pedestrians, consistent with the requirements of Section 24-124.01. The sidewalks on Newton Street and 37th Street will complete gaps in the area’s sidewalk network, and the crosswalk and Americans with Disabilities Act improvements will enhance an existing pedestrian crossing. With the on-site and off-site facilities required, the Planning Board finds that pedestrian and bicycle facilities will be adequate for the subject application.

10. **Transportation**—The application is a PPS for a residential subdivision consisting of three residential lots, with each lot containing a two-family residence, for a total of six residences. In consideration of the design for the residences and the layout, the “Transportation Review Guidelines, Part 1” (Guidelines) indicate that such residences are analyzed as townhouses. Therefore, it is determined that this subdivision would generate 4 AM and 5 PM weekday peak-hour vehicle trips.

The traffic generated by this PPS would impact the intersection of US 1 (Rhode Island Avenue) and Eastern Avenue. This intersection is signalized and is located wholly within the District of Columbia.

The subject property is located within Transportation Service Area 1, as defined in Plan 2035. As such, the subject property is evaluated according to the following standard:

**Links and Signalized Intersections:** Level of Service (LOS) E, with signalized intersections operating at a critical lane volume (CLV) of 1,600 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized

intersections within any tier subject to meeting the geographical criteria in the “Transportation Review Guidelines.”

The critical intersection of US 1 and Eastern Avenue is not programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George’s County Capital Improvement Program. No recent turning movement counts are available at the critical intersection. Due to the trip generation of this site being 5 peak-hour trips or fewer, in accordance with the Guidelines, the Planning Board finds that 4 AM and 5 PM peak hour trips will have a de minimus impact upon delay in the critical movements at the US 1 and Eastern Avenue intersection.

#### **Site Access Evaluation**

Access to the site is by means of a 10-foot-wide alley that serves all lots on the block that contains the subject site. Under Subtitle 24 of the Prince George’s County Code, a right-of-way that provides vehicular access to the rear or side of abutting lots, and which is not considered for general traffic circulation, is considered an alley. In the D-D-O Zone, access to the rear of a lot shall be located on a side street or alley and shall be a maximum of 18 feet. The underlying record plat offers no insight regarding the disposition of the alley; however, the alley is currently maintained by the City and reserved for public use through prior recorded deeds. Pursuant to Section 24-128(b)(8) of the Subdivision Regulations, the Planning Board may approve a subdivision with private rights-of-way, easements, alleys, or roads within a D-D-O Zone.

Given the additional development included and the potential for the remaining lots on this alley to be redeveloped in a similar manner, the existing 10-foot-wide alley is inadequate to serve the increased density. The applicant shall provide a 9-foot-wide public vehicular ingress/egress easement or dedicate 9 feet from the rear property line to public use, which would represent half of an eventual 18-foot-wide alley. While the block may never reach its full development potential under the current zoning, if the wider alley is not planned at this time, it would be extremely difficult to implement in the future.

The site is not within or adjacent to any master-planned transportation facilities. All adjacent streets are dedicated to a secondary residential street standard (50-foot right-of-way). This is acceptable.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision, as required in accordance with Section 24-124 of the Subdivision Regulations.

11. **Public Facilities**—Adequate public facilities for water and sewerage, police, fire, and rescue are adequate to serve the subdivision, in accordance with Section 24-122.01 of the Subdivision Regulations, which are further outlined in memorandums dated September 20, 2018 (Branch to Onyebuchi) and August 24, 2018 (Mangalvedhe to Onyebuchi) incorporated by reference herein.



12. **Schools**—This PPS was reviewed for impact on school facilities, in accordance with Section 24-122.02 of the Subdivision Regulations and the “Adequate Public Facilities Regulations for Schools” (Council Resolutions CR-23-2001 and CR-38-2002), and a school facilities surcharge in the amount of \$9,550 per dwelling unit was determined to be applicable, which may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes, as set forth in a memorandum dated August 24, 2018 (Mangalvedhe to Onyebuchi) incorporated by reference herein. The payment of this fee is collected by DPIE at the time of permitting.
13. **Use Conversion**— The total development included in this PPS is three two-family dwellings (six residential units). If a revision to the mix of uses or the site layout on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval, that revision shall require approval of a new PPS prior to approval of any building permits.
14. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS delineates a 10-foot-wide PUE along all public rights-of-way. A 10-foot-wide PUE has also been provided along the alley located along the rear of the subject property. A PUE along an alley is not a requirement of the Subdivision Regulations and shall be removed from the plans. All required PUEs will also be required to be reflected on the final plat prior to approval.

15. **Historic**—The developing property is located within an identified TRN Character Area and is adjacent to and southwest of the Thomas W. Smith Farmhouse (Historic Site 68-013-71a) a Prince George’s County historic site and a contributing resource within the Mount Rainier National Register Historic District (68-013-00). The D-D-O Zone of the Gateway Arts District Sector Plan and SMA allows for the construction of two-family detached dwellings in this location.

As currently zoned, the subject property could provide for two single-family dwellings or two two-family dwellings (four dwelling units). The applicant has chosen to pursue this PPS to further divide the property, to increase the density above what is allowed based on the current lotting pattern, to provide for a total of six dwelling units; three two-family detached houses on three lots with freestanding garages accessed by a rear alley at the western edge of the property. The developing property is elevated above the finished grade of both bounding streets, Newton Street and 37th Avenue. The current grade of the developing property is approximately 10 feet higher than the finished grade of the Thomas W. Smith Farmhouse Historic Site across the street. The development locates the majority of the new construction close to Newton Street, with small, single-story double garages to the rear, along the alley shared with other houses on the block.

Built c. 1900 for Thomas W. Smith, a prominent Washington, DC businessman for use as a country residence, the Thomas W. Smith Farmhouse Historic Site is a 2.5-story, cross-gabled frame dwelling with German siding and a wraparound porch with late-Queen Anne style decorative details. Originally associated with a 10-acre family farm purchased in 1887, the Smith Farmhouse is the only surviving residential structure representing the rural character of pre-subdivision Mount Rainier. The farmhouse changed hands a number of times in the 1920s before it was purchased in 1930 by Elmer and Lewelling Ziegler, who built the adjacent Sears mail order cottage, c. 1932 (Ziegler Cottage, 68-013-71b), and updated the farmhouse interior. The Smith Farmhouse remained in the Ziegler family until 1985.

In July 1922, Henry W. Smith, brother of Thomas W. Smith, registered a plat of subdivision for Hariclif, which was composed of the family's 10-acre farm. The plat laid out four small blocks with small building lots, organized to extend existing nearby north-south streets. A single street, Hariclif Avenue (now Newton Street), ran east-west to connect 35th and 37th streets. In January 1924, Henry W. Smith sold Hariclif to Robert Funkhouser, who re-platted the subdivision to include only three blocks, still with small lots, as well as two larger lots to accommodate the Smith Farmhouse and its associated barn across the street (on Lot 33 of the developing property).

The barn on Lot 33 was purchased from Robert Funkhouser by Emma L. Beard in 1923. Beard's then husband, Warren V. Beard, purchased adjacent Lot 32 in 1924; both properties were sold by Emma Beard in 1963. The two lots that made up the Beard property were sold a number of times until their purchase by the applicant in November 2017. At some point, the barn on Lot 33 was converted to a residence. Subsequently vacant for a number of years, aerial photographs reveal that the structure was damaged by fire around 2003 and was demolished by 2005.

The subject property has been extensively disturbed. As a result, there is little likelihood that an archeological investigation of the property will yield any findings of archeological significance. Therefore, no archeological investigation will be required.

At the October 16, 2018 public meeting, the HPC received a presentation from staff on the features of the proposed subdivision and the general vicinity of the project, including the adjacency of the Thomas W. Smith Farmhouse (Historic Site 68-013-71a), the character of the nearby streetscape, the topography of the developing property relative to surrounding properties, and the project's anticipated visual impact on the surrounding community. HPC also received a presentation on the applicant's proposed architecture and comments from staff on the need for some revisions to enhance the compatibility of the architecture with the adjacent historic site. The applicant indicated a willingness to continue to work with staff to refine the proposed architecture. The applicant also spoke to their desire to comply with the design standards of the sector plan, and their interest in acquiring building permits without having to submit a detailed site plan (DSP) for architecture. To that end, the applicant proffered language for a potential condition to be recommended by HPC to the Planning Board. Staff indicated that there may not be a mechanism to approve architecture through the PPS process, but that the applicant was free to proffer conditional language to HPC and the Planning Board, and that the acceptance of that language

would be at the discretion of the Planning Board. The applicant formally proffered conditional language to HPC and, after a general discussion of the language, the HPC Chairman directed the applicant, staff, and HPC counsel to work out the final language after the public meeting.

Historic Preservation Section staff indicated that, although staff had reached out to the City of Mount Rainier regarding this application, no response was received.

The proposed pattern of larger dwellings will have a direct impact on the density, height, scale, and massing of the resulting development and have direct visual impacts on the adjacent historic site and the surrounding neighborhood. Given the relative elevation of the developing property and that of the historic site, the Smith Farmhouse Historic Site will be “overlooked” by the proposed new construction across the street based on the architecture filed for preliminary analysis. As a result, the architectural character of the proposed new dwellings will have a substantial impact on the views from the historic site.

The proposed development would create a taller, denser streetscape than is typical of the vicinity. The height, scale, and massing of the proposed semi-detached, two-family dwellings is not consistent with the historically low-rise character of the adjacent streetscapes. The Thomas W. Smith Farmhouse has historically been the largest and tallest building in this portion of the city.

Although the developing property was formerly the site of a large barn/dwelling, that building was the only building on Lots 32 and 33 and was located at the center of its property. The applicant’s proposal to build semi-detached, rather than detached, dwellings in this location will also have a visual impact on the historic site, as these structures will have wider than typical façades for the neighborhood and greater volume and height than the small one-story bungalows that characterize this location.

If HPC found that the applicant’s PPS will have a negative effect on the adjacent historic site, and that the lots are not designed to minimize adverse impacts on the historic site (Section 24-135.01(b)(1) of the Subdivision Regulations), it could have recommended that the Planning Board approve a less dense subdivision, if HPC believed that compatibility with the historic site could not be achieved by architecture alone. Although the applicant provided some renderings of the proposed new construction at the HPC meeting, staff indicated that some modifications to the materials and details of the proposed dwellings would be necessary to create conformance to Section 24-135.01, which states:

**Section 24-135.01. - Historic preservation requirements.**

- (a) The Planning Board shall require the preservation of historic resources in order to protect the County’s cultural heritage, to increase public awareness of the County’s history, and to provide for the continued use of still-valuable historic resources. Applicants are required to use the flexibility inherent in this Subtitle, including lot size averaging and optional methods of development where appropriate, to prepare**

**plans that minimize the impact of new subdivisions on historic resources and that promote the restoration and continued use of such resources.**

- (b) **The following requirements shall apply to a proposed subdivision containing or adjacent to a historic resource:**
- (1) **Lots shall be designed to minimize adverse impacts of new construction on the historic resource;**
  - (2) **Natural features (such as trees and vegetation) which contribute to the preservation of a historic resource or provide a buffer between the historic resource and new development, shall be retained; and**
  - (3) **Protective techniques (such as limits of disturbance, building restriction lines and buffers) shall be used.**
- (c) **In order to safeguard the integrity of the historic resource, the Planning Board may require a Detailed Site Plan in accordance with Part 3, Division 9, of Subtitle 27 (the Zoning Ordinance) for the purpose of evaluating the effect of the orientation, mass, height, materials and design of the proposed development on the environmental setting.**

After the HPC meeting, the applicant provided Historic Preservation Section staff with revised architectural drawings that were determined to be compatible with the adjacent historic site. To ensure that there are no substantive changes to the architecture, which was found to be acceptable by the Planning Board, identified as Applicant's Exhibit A, all associated building permits shall be referred to HPC for review prior to approval by the Maryland-National Capital Park and Planning Commission (M-NCPPC) or DPIE.

In this instance, the Planning Board may find that the architecture presented as Applicant's Exhibit A satisfies the requirements of Section 24-135.01 by demonstrating compatibility with the adjacent historic site. However, the process of approval of architecture is more thoroughly discussed to ensure that the proposed units are constructed as anticipated and to consider architectural revisions, if proposed. The Planning Board considered the following three options:

- a. If the architecture is approved with this PPS, any revisions would require a reconsideration of the approved PPS. This option is not supported, as a reconsideration of a PPS should be preserved for the purpose of correcting an error reached in the final decision, in accordance with Section 10.e. of the Planning Board's Rules of Procedure, due to fraud, surprise, mistake, inadvertence, or other good cause.

- b. The Planning Board may require the approval of a limited DSP, to be approved by the Planning Board or its' designee, for the review and approval of architecture. Any revisions to the architecture would then be processed as a revision to the limited DSP.
- c. The Planning Board may condition that the architecture be reviewed and approved by HPC prior to approval of building permits by M-NCPPC.

Although a limited DSP is not uncommon for the review and approval of architecture, given that the proposed architecture has been provided as an exhibit to this application, the Planning Board approved option allows the review and approval of architecture at the time of building permit. It is noted that a DSP may be required if the site design, at the time of permitting, does not comply with the applicable standards of the D-D-O Zone. If a DSP is otherwise required, architecture should also be reviewed at that time.

16. **Environmental**—This PPS has been reviewed for conformance with the 2004 Gateway Arts District Sector Plan and SMA and the 2017 *Countywide Green Infrastructure Plan* (Green Infrastructure Plan) of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. The site has a Natural Resources Inventory Equivalency Letter (NRI-027-2018), which was issued on February 9, 2018. The site is currently undeveloped. No woodland or regulated environmental features are located on this site. According to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, the site contains Christiana-Downer-Urban Land complex. As an unsafe soil, the County may require a soils report in conformance with CB-94-2004 during the building permit review process. No unsafe soils containing Marlboro clays are mapped on this site.

This site is not located within a Sensitive Species Protection Review Area (SSPRA) based on a review of the SSPRA GIS layer prepared by the Maryland Department of Natural Resources, Natural Heritage Program. The site is located within Environmental Strategy Area 1 (formerly the Developed Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035. The site is also located in the approved Gateway Arts District Sector Plan and SMA.

Based on the layout, the project demonstrates conformance with the applicable policies and strategies of the Green Infrastructure Plan because the site contains no regulated or evaluation areas within the existing network. The project was found to be in conformance with applicable environmental policies within Plan 2035, the sector plan, and the Green Infrastructure Plan.

This application is found to be in conformance with the environmental requirements of Subtitle 24, Subtitle 25 (Woodland and Wildlife Habitat Conservation Ordinance), and Subtitle 27 (Zoning Ordinance).

17. **Urban Design**—The subject property is located in the R-55 zone within the D-D-O Zone associated with the Gateway Arts District Sector Plan and SMA. The development district standards of the sector plan replace all those contained in the Zoning Ordinance. The subject property is located within the TRN Character Area of the sector plan. Per the sector plan,

two-family detached dwellings are permitted in the TRN and may not be subject to the DSP review process, if the site plan can demonstrate that it meets all the applicable standards of the development district (page 139). The applicant will be required to demonstrate conformance to the standards at the time of permit review, or a DSP may be required to obtain amendments.

Regarding the subject application, the PPS has been reviewed and the plans are acceptable. It is noted that, per CR-80-2007, several development district standards do not apply within the TRN Character Area within the City of Mount Rainier, such as the subject property, and the R-55 Zone requirements are to apply instead. However, two-family dwellings are not a permitted use in the R-55 Zone and, therefore, it does not include regulations for them, such as lot size. Regardless, the applicant stated they intend to comply with all applicable development district standards, but this will be reviewed at the time of DSP or permit review.

#### **Conformance with the 2010 Prince George's County Landscape Manual**

The development is not subject to the *Prince George's County Landscape Manual* (Landscape Manual) because the development district standards of the Gateway Arts District Sector Plan and SMA replace the requirements of the Landscape Manual.

#### **Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet or greater of gross floor area or disturbance and require a grading permit. The subject site is zoned R-55 and D-D-O and is required to provide a minimum of 15 percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be further evaluated at the time of DSP or permit review.

18. **City of Mount Rainier**—The Design Review Board for the City of Mount Rainier convened on December 12, 2018 and reviewed the subject application. By letter dated December 19, 2018 (Miles to Onyebuchi), the City of Mount Rainier requested the following conditions in order to support the subject application:
1. **5/4 x 6 trim above windows rather than 1x to provide shadow line and cleaner finish.**
  2. **5/4 x 12-fascia board under overhang rather than 1x to provide shadow line and cleaner finish.**
  3. **An additional 4-foot easement along the alley behind Newton Street for future expansion, bringing the total alley public right of way to 18 feet.**
  4. **Installation of a 3-foot-wide sidewalk along Newton Street in front of the townhomes. The proposed 5-foot sidewalk would be undesirably out of scale and unnecessarily reduce green space and ground permeability. The 3 feet wide sidewalk is sufficient for present and predicted foot traffic in that area. The 3 feet wide sidewalk is sufficient for present and predicted foot traffic in that area.**

- 5. The sidewalk on Newton Street should be finished to the corner, with crosswalks across both Newton Street and 37th Street to connect pedestrian paths.**
- 6. If feasible, the sidewalk along the southeast side of 37th Street should be completed from the southeastern end of the existing sidewalk on 37th Street to the commercial driveway nearest the District of Columbia border.**

The applicant has worked closely with HPC staff throughout the review of this project to ensure architectural compatibility with the adjacent historic site. Conditions 1 and 2, proposed by the City of Mount Rainier, have been sufficiently addressed. The City's proposed Condition 3 is addressed in Condition 2c of this approval which requires widening of the existing alley. Condition 4 proposed by the City is addressed in Condition 7 of this approval, which gives deference to the City for the required sidewalk widths. The improvements requested in the City's proposed Conditions 5 and 6, when combined, may exceed the \$1,800 cost cap for BPIS improvements. The improvements required in Condition 8 of this approval fulfill the applicant's requirement for off-site improvements pursuant to Section 24-124.01(c) of the Subdivision Regulations. The sidewalks along the site's frontage of 37th and Newton Street will be improved as required on-site improvements, along with an upgraded ramp and crosswalk at Newton Street and 37th Avenue as required off-site improvements.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, January 10, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of January 2019.

Elizabeth M. Hewlett  
Chairman

By Jessica Jones  
Planning Board Administrator

EMH:JJ:JO:gh