

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board has reviewed SE-4611 requesting an adaptive use of a historic site to a two-family dwelling in accordance with Subtitle 27 of the Prince George’s County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on December 17, 2009, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a narrow, rectangular-shaped lot located on the north side of College Avenue, approximately 150 feet west of Rhode Island Avenue, also known as 4618 College Avenue. The site is improved with a historic single-family dwelling (divided into three units) known as the Holbrook House and a ten-foot by ten-foot shed. Parking is provided at the rear of the structure for six vehicles. A six-foot-high wooden fence extends along the western property line from the street line to the end of the dwelling. The site has access to College Avenue via a variable width, two-way driveway, a portion of which includes a shared 12-foot-wide driveway easement.

B. **Development Data Summary:**

	<b>EXISTING</b>	<b>APPROVED</b>
Zone(s)	R-18	R-18
Use(s)	Multifamily dwelling	Two-family dwelling
Acreage	0.23	0.23
Lots	Lot 5	Lot 5

C. **History:** The 1989 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment for Planning Areas 65, 66, and 67* retained the property in the R-18 (Multifamily Medium Density Residential) Zone. Subsequent to the adoption of the master plan, the dwelling on the property, referred to as Holbrook House, was designated a historic site (66-021-31) within the Old Town College Park Historic District (66-021). Holbrook House, which was constructed in 1927, is one of two known examples in Prince George’s County of the Alhambra model of Sears, Roebuck and Company mail-order homes.

The structure has a history of use as a rooming house and multifamily dwelling. In 1967, the owner, Mrs. Holbrook, rented three rooms upstairs and a basement apartment. A year later she rented an additional room upstairs. The house continued to operate as a rental property under the next owner who purchased the property in 1973. In 1978, the house was again sold and the new owner indicated the property was owner-occupied. When the property was sold yet again in 2001, the new owner obtained rental licenses for two units and a Historic Area Work Permit for the construction of an addition to the rear of the house. Although a county use and occupancy permit

was issued in 2002 when the addition was completed, it was for a single-family dwelling, not a three-unit multifamily dwelling. The City of College Park inspected the property and issued a rental license for three units. The current owner, Steven Behr, purchased the property in 2006.

- D. **Master Plan Recommendation:** The application does not strictly conform to the land use recommendations of the 1989 Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity. The master plan recommends an urban residential land use with a density between 12.0 and 16.9 dwelling units per acre. The applicant is proposing a density of 8.6 dwelling units per acre, in compliance with Section 27-442(h) of the Zoning Ordinance which restricts the property to a maximum of two dwelling units on 0.23 acre. The application is compatible with the goal to preserve historic resources in the county.

The 2002 *Prince George's County Approved General Plan* places this property in the Developed Tier. The vision for the Developed Tier is a network of sustainable, transit-supporting, mixed-use, pedestrian-oriented, medium- to high-density neighborhoods.

- E. **Request:** The applicant is requesting special exception approval of an adaptive use of a historic site pursuant to Section 330.02 of the Zoning Ordinance, to allow the legal conversion of a single-family dwelling to a two-family dwelling. The conversion of single-family dwellings is not permitted in the R-18 Zone, except by this provision. An associated departure from design standards is requested to allow an 11-foot-wide driveway where a 22-foot-wide driveway is required.

- F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North—	Paint Branch Parkway
South—	East-West Highway
East—	US 1
West—	MARC/B & O Railroad line

Staff further notes that the property is within the College Park Historic District (attached) which is included within the above boundaries in its entirety. The neighborhood is characterized as residential, with single-family homes (several of which were observed to be occupied by students), sororities, fraternities, garden apartments, and a church.

The property is surrounded by the following uses:

North—	A single-family dwelling in the R-55 (One-Family Detached Residential) Zone
South—	College Avenue
East—	A multifamily dwelling in the R-18 Zone
West—	Rooming house in the R-18 Zone

**G. Requirements for Adaptive use of a Historic Site:  
Section 27-330.02. Adaptive use of a Historic Site**

- (a) For the purposes of this Section, the adaptive use of a Historic Site is defined as the adaptation of a building designated as a Historic Site by the Historic Preservation Commission for a use not allowed within the existing zone in order to encourage the preservation of buildings important to Prince George's County heritage or which have distinctive architectural and environmental characteristics.**
- (b) Use of Historic Sites under the provisions of this Section are limited to:**
  - (1) One-family, two-family, three-family, or multifamily dwellings; or**
  - (2) Commercial office or retail trade; and**
  - (3) The proposed use is not a use prohibited in all zones.**

The applicant is proposing a two-family dwelling on the property. This use is permitted in several of the higher-density residential zones. The request (amended from the original request for a multifamily dwelling) is in compliance with density restrictions in the R-18 Zone, which allow eight two-family dwelling units per acre or 1.84 two-family units on the 0.23-acre subject property.

- (c) The approved Special Exception site plan for the adaptive use shall be controlling with regard to net lot area, lot coverage, green area, lot frontage, yards, building height, distance between buildings, and location, height, and use of accessory buildings.**

While the site plan is controlling with regard to side yards, lot coverage, height, etc, the site plan should be revised to indicate the yards and other requirements that are being provided, including density.

- (d) All proposals for the adaptive use of a Historic Site shall comply with the standards listed below.**
  - (1) Lighting.**
    - (A) Lighting shall be subdued, consistent with the nature of the historic resource, and shall not shine or glare off the premises. Low-intensity seasonal or decorative lighting is permitted.**

The applicant is not proposing any changes to the existing lighting on the property, which is low and subdued and appropriate for a residential use. If the parking area is to be illuminated, the lighting shall not spill over into adjacent properties.

**(2) Parking and surfacing.**

- (A) The design of parking lots shall minimize, to the extent practicable, the impact of the parking needs associated with the proposed adaptive use on the environmental setting and the surrounding neighborhood.**
- (B) Where deemed appropriate by the District Council, innovative paving techniques, such as dust-free, pervious surfaces, unusual textures, and configurations that minimize paved surfaces, may be required.**

The Zoning Ordinance requires two off-street parking spaces per dwelling unit. Four parking spaces are therefore required for the proposed use; the applicant has provided six (existing) parking spaces. Although two more parking spaces are provided than the minimum number required, the additional spaces will facilitate the purposes of Part 11 of the Zoning Ordinance by reducing the need to park along public rights-of way. Given the Zoning Ordinance allows up to ten individuals to occupy a two-family dwelling, the number of parking spaces is not excessive. The driveway and parking area are paved with gravel. A site visit revealed that grass has encroached into portions of the proposed parking area and driveway. A condition requiring the applicant to replenish the bare parking areas and maintain the entire parking area to provide a dust-free surface is included.

**(e) Upon filing the Special Exception application, the applicant shall submit the following information:**

- (1) Evidence of Historic Preservation Commission approval of an established environmental setting for the proposed adaptive use;**
- (2) A written justification statement, including:**
  - (A) The nature and scope of the use proposed;**
  - (B) The hours of operation; and**
  - (C) The impact of traffic generated by the proposed use on local roadways, including the type, amount, and distribution of anticipated traffic, as well as the adequacy of proposed access points to the site, existing levels of service on surrounding roadways, and the peak hour service level at the nearest major intersection below the minimum adopted by the Planning Board in the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” as may be amended from time to time;**

- (3) **In addition to the site plan requirements in Section 27-296(c), the site plan shall show the following:**
- (A) **A delineation by metes and bounds of the established environmental setting; and**
  - (B) **The topography of the subject property and abutting lots (for a depth of at least fifty (50) feet).**

The applicant is in general conformance with the applicable requirements above. The applicant submitted a statement of justification in support of the request and a site plan. The site plan does not show the topography of the property and abutting lots, and therefore, shall be revised to do so. The applicant also submitted a traffic statement (peak-hour trip generation) dated July 20, 2009, undertaken by O. R. George and Associates, Inc., which was reviewed by the Transportation Planning Section and is discussed in Section M of this report.

- (f) **The applicant shall demonstrate to the satisfaction of the District Council that:**
- (1) **Any proposed multiple uses within the historic structure are compatible with each other;**

The applicant is proposing a single use within the historic structure.

- (2) **The proposed adaptive use will not change the existing character of the surrounding community by virtue of noise, lighting, unsightliness, parking, signs, traffic, or other impacts; and**

The proposed two-family dwelling will arguably result in less impact to the character of the surrounding community than the existing three-unit arrangement. The applicant is removing the entire basement unit and replacing it with a storage area. There is no indication from the referral responses that the legal conversion of a single-family dwelling to a two-family dwelling will have any greater impact on the surrounding area than the existing use, or that it would have anything but a de minimus impact over that of a single-family dwelling. The Transportation Planning Section found the impact of traffic generated by the proposed use to be negligible. In a letter dated October 27, 2009 (Mayor Brayman to Chairman Parker) the City of College Park indicated their concern regarding the conversion, which is discussed in greater detail in Section K below. The Zoning Ordinance restricts the number of unrelated individuals who maintain a dwelling unit to five; therefore, up to ten individuals would be permitted to live in the two-family structure. The existing floor plan shows one dwelling unit with five bedrooms and the other dwelling unit with two bedrooms.

The Planning Board is in receipt of numerous violations cited by the City of College Park for the subject address since the current owner purchased the property. Most of the violations concern litter, with six notices issued in 2006, eight in 2007, one in 2008, and two in 2009 (one for the overgrown bamboo and the other was a violation on the adjacent property). It appears that the current owner is making a concerted effort to have his tenants properly maintain the property. A site visit by staff found the property to be generally well-maintained with some debris in the parking area and areas with outdoor storage (not visible from the street). The Planning Board recommends that all trash be contained in covered bins, and that outdoor areas be cleared of all storage with the exception of bicycles.

**(3) The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important natural features in the established environmental setting.**

The applicant is not proposing any exterior structural changes to the dwelling or any changes to natural features within the environmental setting. Interior modifications will be limited to the removal of the existing basement unit.

- H. **Landscape Manual Requirements:** A memorandum from the Urban Design Section (Silor to Fenton) dated October 8, 2009 indicated that the site is exempt from *Prince George's County Landscape Manual* requirements pursuant to Section 27-328.02 of the Zoning Ordinance, as no construction, enlargement, or extension of a building is proposed. The site plan should be revised to indicate that the existing bamboo, which provides screening, will be trimmed and cut back, rather than removed.
- I. **Zone Standards:** In the case of an adaptive use of a historic site, the special exception site plan is controlling with regard to net lot area, lot coverage, green area, lot frontage, yards, building height, distance between buildings, and location, height, and use of accessory buildings. The proposed use is in conformance with density requirements for the zone.
- J. **Parking and Loading Requirements:** Per Section 27-568 of the Zoning Ordinance, the applicant is required to provide a minimum of four parking spaces for the proposed two-family use. The site plan shows that six parking spaces, including one handicap space, are provided. Because the applicant has amended the original application to propose a two-family detached dwelling, it is recommended that the handicap space be replaced with a standard parking space. A handicap parking space is not required for the proposed use. Loading spaces are neither required nor provided.

The applicant is requesting an associated departure from design standards (DDS-590) from Section 27-560(a) of the Zoning Ordinance, which requires a 22-foot-wide driveway for two-way traffic. The site plan shows that a portion of the existing access drive is only 11 feet wide. The applicant has provided a copy of a joint driveway agreement (Liber 14700, Folio 382) with the

adjacent property owner (Lot 6) which provides an additional six feet of driveway width to the east.

**K. Referral Agencies and Divisions:**

**City of College Park**—The City of College Park, in letters (Brayman to Turner and Brayman to Parker) dated October 27, 2009, indicated its opposition to the conversion of a single-family residence to the proposed use. The primary reasons cited for the opposition are that the applicant did not provide a compelling argument for the necessity of the proposed use; that the conversion would only benefit the property owner (financially); that allowing excessive lot coverage (68 percent) on the site “is an extraordinary situation that adversely affects the character of the neighborhood and the established environmental setting”; and, that the increased density on such a small lot will result in “excessive cars, noise, trash, and other problems.”

**Historic Preservation Commission**—The Historic Preservation Commission (HPC) met on November 17, 2009 to review the special exception application. In a memorandum dated November 19, 2009, they stated that, in consideration of the staff report and testimony from the applicant and the City of College Park, the approval of the proposed applications will have no effect on the historic and architectural character of the Holbrook House Historic Site (66-042-31).

**Community Planning**—It is noted in the Community Planning North memorandum dated September 14, 2009 (Williams to Fenton) that the property is located under the traffic pattern for College Park Airport and is therefore subject to Aviation Policy Area regulations found in Part 10B Airport Compatibility of the Zoning Ordinance. The application was referred to The Maryland Aviation Administration for comment. In a letter dated October 19, 2009 (Krozack to Fenton), they determined that the proposal has no impact on the College Park Airport.

**Urban Design Section**—The Urban Design Section, in a memorandum dated October 8, 2009, recommended specific conditions including one for detailed site plan (DSP) approval. Per Section 27-436(e)(1) of the Zoning Ordinance, a DSP is required for an attached or multifamily dwelling; it is not required for a two-family dwelling; therefore, this condition has not been included. Other issues raised by the Urban Design Section regarding the site plan have been addressed.

L. **Other Issues:** It is noted that the adjacent rooming house use to the west (4616 College Avenue) has a valid Use and Occupancy (U&O) permit to operate. There is nothing in the county permit system to indicate the adjacent two-story frame dwelling to the east (4620 College Avenue) is operating as a legal multifamily use. The City of College Park has issued a rental license for this address for three units. The City has since cited the owner for not having a county U&O permit.

M. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

(1) **The proposed use and site plan are in harmony with the purpose of this Subtitle;**

The purposes of Subtitle 27, as set forth in Section 27-102, are generally to protect the health, safety and welfare of the public, and promote compatible relationships between various land uses. Based on available records, the subject property has operated illegally as a multifamily dwelling from 1967 to 1978, and between 2001 to the present. The current applicant is seeking to legally convert the historic, single-family residence into a two-family dwelling, retaining its residential use. The latest addition to the structure was approved in 2003 pursuant to a Historic Preservation Work Permit. It was determined at that time that the second story addition would not compromise the architectural integrity of the house or the environmental setting. The applicant is not proposing any new changes to the structure or approved environmental setting, with the exception of removing the interior basement unit which is required for conformance with density restrictions. The proposed use will be compatible with the adjacent land uses and with the immediate neighborhood. For the reasons stated above, the proposed use and site plan are in harmony with the purposes of the Subtitle.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

No variances are necessary to implement the proposed special exception as no additional structures or improvements are being proposed. A departure is required for the driveway width. With the recommended conditions, the proposed use is in conformance with the applicable requirements and regulations of the Subtitle.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;**

The 1989 Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity recommends a slightly greater density than the applicant proposes. While not in strict conformance with the land use recommendations of the master plan, the applicant is proposing to retain the residential land use on the property and is in conformance with density requirements for the R-18 Zone. In addition, the architectural integrity of the historic structure and the approved environmental setting will be preserved. Therefore, the use will not substantially impair the master plan or General Plan.

**(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

None of the responses from any of the referring agencies received by staff, with the exception of the City of College Park, indicate that the proposed use will adversely affect the health, safety, or welfare of residents or workers in the area. After reviewing the applicant's traffic statement, the Transportation Planning Section, in a memorandum dated August 20, 2009 (Janousek to Fenton), concluded that since the multifamily use has operated for several years without adverse impacts to the neighborhood, it does not appear that approval of the proposal will have any adverse impact on traffic or circulation, or create a safety problem. Because the use has operated in the past with no

apparent negative effects, and because the traffic generated by the proposed use has not been detrimental to the use and development of adjacent properties or to the general neighborhood, staff finds that no transportation-related issues would arise from the approval of either the special exception or departure application. The site plan is acceptable from the standpoint of access and circulation.

It is noted that the above comment was written in regard to the original multifamily use proposed by the applicant, and that the use currently proposed by the applicant, a two-family dwelling, would arguably have even less impact than the use originally analyzed by the Transportation Planning Section.

A special exception use, not unlike a comprehensive rezoning, is accorded a certain presumption of validity. It is considered compatible with uses permitted by right within the zone as long as specific criteria are met. Unless unique adverse impacts are identified, the special exception may be approved. The appropriate standard for determining whether the use would create an adverse impact upon surrounding properties is to show that the proposed use, at the particular location proposed, would have adverse impacts above and beyond those inherently associated with the special exception use, irrespective of its location within the zone. Although there may be negative effects associated with the proposed use, they are considered integral to the use and will not result in greater or more unique adverse effects at the proposed location than if the use were located at another site in the same zone, particularly if the zone is in proximity to the university.

In view of this, it can be reasonably concluded that the proposed use, with the recommended conditions, will not be detrimental to the use or development of adjacent properties or the general neighborhood.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

As noted above, the property has operated as a multifamily use, albeit illegally, for some time, with no adverse impact to adjacent properties or the general neighborhood. In the Transportation Planning Section memorandum dated September 30, 2009 (Masog to Fenton) which also analyzed the original multifamily proposal rather than the two-family use, it was concluded that the anticipated impact of vehicle trips resulting from the proposed use would be de minimus. Moreover, based on the location of the site, its accessibility to public transportation, and its proximity to a variety of uses which would encourage walking or biking and thereby reduce the traffic impact of the use, the Transportation Planning Section further concluded that the adaptive use would not change the character of the surrounding community with regard to traffic.

The Zoning Ordinance expressly prohibits the conversion of single-family homes in the R-18 Zone, but allows the conversion of single-family historic sites as long as specific required findings are met. Non-designated dwellings have the option of being torn down and replaced with multifamily uses; however, a Historic Preservation Work Permit would be required to determine the impact of the proposed use on adjacent historic sites and the historic district. Therefore, the

Planning Board does not anticipate that the conversion of the Holbrook House to a two-family dwelling would set an undesirable precedent. During the site visit, it was evident that several single-family homes along College Avenue were occupied as student housing. If there are instances where actual conversions may have taken place illegally, they should be brought to the attention of the appropriate county agency to be rectified.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

The site is exempt from the Woodland Conservation and Tree Preservation Ordinance as it contains less than 10,000 square feet of woodland, is less than 40,000 square feet in area, and there is no previous tree conservation plan associated with the property. An exemption letter was issued February 21, 2008 which is valid until February 21, 2010.

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 recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED , subject to the following conditions:

1. Prior to review by the Zoning Hearing Examiner, the site plan shall be revised to show:
  - a. the correct proposed density.
  - b. the yards, setbacks, and other development standards proposed.
  - c. the topography of the property and abutting lots.
  - d. the existing bamboo retained. The bamboo shall be maintained so it does not encroach into the parking area.
2. If the parking area is to be illuminated, the lighting shall not spill over into adjacent properties.
3. The applicant shall replenish the bare areas of the driveway and parking area with gravel or other dust-free material. The driveway and parking area shall be maintained to provide a dust-free surface at all times.
4. The handicap parking space shall be replaced with a standard parking space.
5. All refuse shall be contained in covered bins.
6. Outdoor storage not in a shed shall be prohibited, with the exception of bicycles.
7. Parking shall be prohibited in the driveway at all times. The applicant shall post signage stating this prohibition in a visible location.

\* \* \* \* \*

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 Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Cavitt voting against the motion at its regular meeting held on Thursday, December 17, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 7<sup>th</sup> day of January 2010.

Patricia Colihan Barney  
Acting Executive Director

By Frances J. Guertin  
Planning Board Administrator

PCB:FJG:CF:arj

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