

RESOLUTION

WHEREAS, the Prince George’s County Planning Board has reviewed SE-4623 requesting a real estate office in a personal residence 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 October 1,2009, the Prince George's County Planning Board finds:

A. **Location and Field Inspection:** The subject property is a square-shaped corner lot located at the southwest corner of the Sadler Lane/Stonybrook Drive intersection in Bowie. The site is currently improved with a one-story brick single-family detached dwelling and shed. A paved driveway provides access to the site via Sadler Lane.

B. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-55	R-55
Use(s)	Single-family residence	Single-family residence Real estate sales office
Acreage	0.31	0.31
Lots	1	1

C. **History:** The dwelling was constructed in 1962. In 1968, Special Exception SE-1810 was granted pursuant to Resolution No. 446 to allow a dentistry practice with more than one practitioner. In 1971, the District Council, pursuant to Resolution No. 159-1971, allowed the dentistry use to continue for an additional three years. In 1976, the property was purchased by a new owner who had a law practice at this location for approximately 30 years.

The subject application was before the Planning Board on April 16, 2009. The original request included a variance for relief from lot coverage requirements. A review of the variance request by staff recommended denial of the variance and further opined that the issues could be addressed with a departure request. A continuance was granted to allow the applicant to seek approval of a departure from design standards (DDS) and a departure from parking and loading standards (DPLS).

D. **Master Plan Recommendation:** This application conforms to the land use recommendation of the February 2006 *Approved Master Plan for Bowie and Vicinity and Sectional Map Amendment of Planning Areas 71A, 71B, 74A, 74B* for residential land use. The property is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to

moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable.

- E. **Request:** The applicant is proposing a real estate sales office with two employees in a single-family detached dwelling in the R-55 (One-Family Detached Residential) Zone.
- F. **Neighborhood and Surrounding Uses:** The neighborhood is defined by the following boundaries:

North—	MD 450
South—	Stonybrook Drive
East—	Belair Drive
West—	Belair Drive

These boundaries correspond to the Somerset at Belair neighborhood. The neighborhood is primarily residential, with commercial uses oriented toward MD 450 and Superior Lane. The residential properties surrounding the subject property to the north, west, and south are zoned R-55. A community center zoned C-S-C (Commercial Shopping Center) is located directly across Stonybrook Drive from the subject property.

- G. **Specific Special Exception Requirements for a Real Estate Sales Office:** Section 27-399 of the Zoning Ordinance permits a real estate sales office in the R-55 Zone, subject to the following:

- (a) **The offices of not more than two (2) real estate brokers, agents, or salesmen may be permitted, subject to the following:**

- (1) **At least one (1) of the brokers, agents, or salesmen shall be a bona fide resident of the dwelling;**

The applicant will be residing on the premises.

- (2) **Suitable office space is not available within the general vicinity;**

The applicant's statement of justification indicates that "[n]o other commercial office space is available in a convenient location or reasonably priced for our company. Rental commercial space usually requires expensive build-out to make it useable...and this residence already had two offices and a receptionist area suited for this type of work." The applicant has not provided any additional supporting documentation to indicate that other office space is not reasonably priced or convenient. The Planning Board notes that the Belair Professional Office Building, across Superior Lane from the Marketplace Shopping Center, is located approximately one-half mile from the subject property and contains various types of commercial office uses. Based on the applicant's description of the way his business operates, it is a very small operation that does not attract a significant amount

of traffic. It is likely that the cost of nearby office space would be prohibitive for such a small business.

- (3) **At least fifty percent (50%) of the gross floor area of the dwelling shall be devoted to residential use;**

Approximately one-sixth or 500 square feet of the gross floor area (2,975 square feet) will be devoted to the real estate sales office.

- (4) **The use shall not alter the residential character or appearance of the premises; and**

The applicant is not proposing to alter the character of the dwelling. The proposed addition shown on the site plan shall be deleted. Should the applicant decide to include the proposed addition in the current application, it must be included in the lot coverage calculation, a variance must be obtained, and the requirements of the *Prince George's County Landscape Manual* must be met. During the public hearing on October 1, 2009, the Planning Board accepted a recommendation from the City of Bowie to add a condition of approval to remove the proposed addition from the site plan.

- (5) **Not more than one (1) nonresident clerical assistant may be employed on the premises.**

The applicant is proposing one nonresident agent and one nonresident receptionist to work at the office.

- (b) **A use and occupancy permit shall be required for this use.**

The applicant intends to comply with this requirement should the special exception be approved.

H. **Prince George's County Landscape Manual Requirements:** The application is exempt from the requirements of the Landscape Manual per Section 27-328.02 of the Zoning Ordinance, since the proposed use does not require the construction, enlargement, or extension of a building.

I. **Sign Regulations:** The site plan shows a proposed sign within ten feet of a public right-of-way (ROW). The sign is existing and must either be relocated or removed, or a departure from design standards must be obtained for the sign and building setback (for a main building associated with a sign). The applicant provided sign details which indicate that the sign height and area are in conformance with Part 12 of the Zoning Ordinance.

The applicant has received approval from the Bowie Advisory Planning Board (BAPB) for a departure from sign design standards application which grants relief from the setback requirements for freestanding signs (Section 27-614(a)(4) of the Zoning Ordinance). A departure was also approved for relief from the main building setback requirement in Section 27-614(a)(1). While the

site plan shows the location of the sign, it is not clear how close the sign is to the right-of-way line of Stonybrook Drive. If this special exception is approved, the site plan should be revised to show the distance from the sign to the street right-of-way line of Stonybrook Drive.

- J. **Parking Regulations:** Section 27.568(a)(5)(C), Schedule of Spaces Required, of the Zoning Ordinance requires one parking space for each 250 square feet of office space for the first 2,000 square feet. The proposed use, at 500 square feet, requires two parking spaces. One additional space is required to serve the residential component of the site.

The applicant's request for a departure to waive two of the required parking spaces was granted by the Bowie Advisory Planning Board (BAPB) on July 28, 2009. BAPB opined that the extra impervious surface required to accommodate the additional parking could detract from the residential character of the neighborhood. A departure was also granted by BAPB for the driveway width. The Zoning Ordinance requires a 22-foot-wide driveway to accommodate two-way traffic. Increasing the driveway to a width of 22 feet would increase the lot coverage over the 30 percent maximum for the R-55 Zone. BAPB granted the departure for the driveway width to maintain the residential character of the neighborhood. The applicant will therefore be providing one on-site handicap parking space.

- K. **Zone Standards:** Section 27-442(c), Table II—Lot Coverage and Green Area, of the Zoning Ordinance prescribes that not more than 30 percent of the net lot area may be covered by buildings and off-street parking. With the approved departure from the minimum driveway width requirement, the proposed use will not exceed the lot coverage requirements.
- L. **Referral Agencies and Departments:** None of the referral replies received by staff had any objection to the application.
- 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 purposes of this Subtitle;

The purposes of Subtitle 27 are set forth in Section 102. The 15 purposes of the Zoning Ordinance, as provided in Section 27-102(a), seek generally to protect and promote the health, safety, and welfare of the present and future inhabitants of the county. The proposed use conforms to the Prince George's County Code and, with conditions, will ensure the health, safety, and welfare of County inhabitants. The proposed use and accompanying site plan are in harmony with the purposes of this subtitle.

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

As previously noted, the proposed use is exempt from Landscape Manual requirements. The applicant has obtained the necessary departures from sign design standards to allow the existing

freestanding sign to remain in its current location. Departures have been granted for relief from the minimum 22-foot-wide driveway width requirement and one of the normally required three parking spaces will be provided (as a result of the approval of a DPLS).

(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 Map Plan, the General Plan;

This application is subject to the 2006 Bowie and vicinity master plan. The subject property is located within the R-55 Zone, which allows up to 6.7 dwelling units per acre. The use, which will be located within the existing residential dwelling, is compatible within the current zone; thus, 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 *Prince George's County Approved 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 referring agencies received by staff indicate that the proposed real estate sales office, with the included conditions, will adversely affect the health, safety, or welfare of residents or workers in the area. The Transportation Planning Section, in a memorandum dated October 24, 2008 noted that a real estate sales office of 2,975 square feet (which is the total area of the residential use and sales office) would generate a total of 6 AM and 6 PM peak-hour vehicle trips. Transportation staff concluded that the impact of the additional trips generated by the use would have a negligible impact on the adjacent transportation network and therefore, no safety issues are anticipated.

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

The subject property has a history of accommodating professional office uses, including dental and attorney practices since 1968. There have never been any documented complaints associated with the uses, so there is no reason to believe that the proposed real estate sales office will be detrimental to the use or development of adjacent properties or the general neighborhood.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan. (CB-75-1989).

This property is exempt from the provisions of the Prince George's County Woodland Conservation and Tree Preservation Ordinance because the site is less than 40,000 square feet in area and contains less than 10,000 square feet of woodland.

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. The site plan shall be revised as follows:
 - a. Show the distance from the existing sign to the street right-of-way of Stonybrook Drive;
 - b. The driveway must be shown as 18 feet, 3 inches wide;
 - c. Notes shall be added to the plan to reflect the departures approved by the City of Bowie; and
 - d. Remove the proposed building addition.

* * * * *

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 Cavitt, seconded by Commissioner Clark, with Commissioners Cavitt, Clark, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, October 1, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of October 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator