

**STATEMENT OF JUSTIFICATION FOR
DETAILED SITE PLAN AND SPECIAL PERMIT**

DSP-20013 & SP-200002

St. Joseph's House
4000 Oliver Street
Hyattsville, Maryland 20782

Requests:

- 1) Approval of a Detailed Site Plan (DSP) is requested pursuant to §27-548.25 of the County Code in connection with the approval of a Special Permit to allow a Family Day Care within a one-room addition to an existing single family detached dwelling located at 4000 Oliver Street, Hyattsville, Maryland (the "Property"). The Property is located in the R-55 Zone ("Family Detached Residential") and is situated within the Traditional Residential Neighborhood (TRN) Character Area in the Gateway Arts District Development District Overlay Zone.
- 2) Approval of the issuance of a Special Permit is requested pursuant to §27-239.02 of the County Code to permit the operation of a Family Day Care facility (8 children or less) on the Property.

Location and Description of Property:

The Property is a single family detached residence located at 4000 Oliver Street, Hyattsville, Maryland 20782, Tax Account Number: 16-1797851. The Property is zoned R-55 and is situated within the Traditional Residential Neighborhood (TRN) Character Area within the Gateway Area District Development District Overlay Zone.

The Property is a corner lot consisting of a land area of approximately 7,670 SF and is located at the northeast corner of the intersection of Oliver Street and 40th Avenue in a residential neighborhood known as "Hyattsville Hills." Existing improvements on the Property primarily consist of a 2-story single family detached residence constructed in 1938 which has a gross floor area of approximately 2,486 SF. The Property is serviced by both public water and sewer and is not located in either the 100-year floodplain or the Chesapeake Bay Critical Area.

The Property is abutted by two other single-family residential lots, both with the same zoning classifications as the Property.

Description of Proposed Use:

The proposed use of the Property is the operation of a Family Day Care (8 children) as an accessory use to the existing single-family dwelling in accordance with the zoning regulations of the County Code. Specifically, the planned Family Day Care will serve children with developmental disabilities. The owners of the Property (one of whom is also the Executive

Director of the operators of the Family Day Care) currently reside at the Property and intend to continue using the Property as their primary personal residence.

To further accommodate the operation of the Family Day Care, the LaHood family desires to construct a one-room addition to the south end (front) of the existing residence as illustrated on the DSP submitted for approval. This will increase the gross floor area of the existing residence by approximately 432 SF.

Required Findings:

Detailed Site Plan:

Pursuant to the requirement on page 167 of the Development District Standards of the *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*, uses which are permitted with a special permit require the detailed site plan process in accordance with Part 3, Division 9 of Subtitle 27 of the County Code. However, the applicability section of the Development District Standards may exempt from site plan review or limit the review of specific types of development or areas of the Development District. For reasons set forth below, the design-related criteria set forth in the Development District Standards do not apply to this request.

Because the Property is (i) zoned R-55, (ii) located within the TRN Character Area, and (iii) located within the municipal limits of the City of Hyattsville, footnote 2 of the development standards provides that the development standards of the Gateway Arts District D-D-O Zone do not apply to this site. Note that it has been previously established that the development standards of the Gateway Arts District (i.e. those standards or guidelines addressing site and building design) are a subset of the Development District Standards contained in the March, 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*. Thus, the Use Tables within the overall Development District Standards remain applicable to properties zoned R-55 in the TRN Character area in the City of Hyattsville, even though the site design-related development standards do not apply. Accordingly, the basic criteria for approval of a Detailed Site Plan found in §27-285(b) of the County Code are applicable to the Property, together the regulations of the R-55 Zone.

Lastly, it should be noted that conformance with the provisions of the Landscape Manual do not apply to this request because the proposed use of a Family Day Care is considered an accessory use to an existing single-family residence, additions to which are exempt pursuant to Section 1.1(e)(1).

Accordingly, pursuant to §27-285(b) of the County Code, the applicable site plan requirements for this Property are as follows:

- (1) The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of

the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.

- (2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).
- (3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in §27-274 of the County Code, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.
- (4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of §24-130(b)(5) of the County Code.

Special Permit:

Pursuant to §27-239.02(a)(6)(C), the required findings for the issuance of a Special Permit are as follows:

- (1) The site plan generally conforms with design guidelines in an approved Master Plan or other applicable plan; and
- (2) The site plan shows that the proposed use will not be incompatible with adjacent properties because of building or site design

Requests and Conformance to Required Findings for Each Request:

Detailed Site Plan:

The proposed Detailed Site Plan for the Property satisfies the basic criteria for approval of a Detailed Site Plan pursuant to §27-285(b). Those criteria are discussed as follows:

- (1) *The Planning Board may approve a Detailed Site Plan if it finds that the plan represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use. If it cannot make these findings, the Planning Board may disapprove the Plan.*

The site design guidelines applicable to the criterion above are found in §27-274(a). These are discussed following, *seriatim*:

- (I) *General.*
 - (A) *The Plan should promote the purposes of the Conceptual Site Plan.*

No Conceptual Site Plan is associated with the subject project.

(B) The applicant shall provide justification for, and demonstrate to the satisfaction of the Planning Board or District Council, as applicable, the reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings set forth in paragraph (11), below.

No townhouses or three-family dwellings are associated with the subject project.

(2) Parking, loading, and circulation.

(A) Surface parking lots should be located and designed to provide safe and efficient vehicular and pedestrian circulation within the site, while minimizing the visual impact of cars. Parking spaces should be located to provide convenient access to major destination points on the site. As a means of achieving these objectives, the following guidelines should be observed:

- (i) Parking lots should generally be provided to the rear or sides of structures;*
- (ii) Parking spaces should be located as near as possible to the uses they serve;*
- (iii) Parking aisles should be oriented to minimize the number of parking lanes crossed by pedestrians;*
- (iv) Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the location of green space and plant materials within the parking lot, in accordance with the Landscape Manual, particularly in parking areas serving townhouses;*
- (v) Special areas for van pool, car pool, and visitor parking should be located with convenient pedestrian access to buildings;*

The Zoning Ordinance does not require off-street parking for the operation of a Family Day Care. There are no parking lots, parking spaces or parking aisles in connection with this project, with the exception of one (1) parking space in the existing driveway which will be allocated for residential use only.

(B) Loading areas should be visually unobtrusive and located to minimize conflicts with vehicles or pedestrians. To fulfill this goal, the following guidelines should be observed:

- (i) Loading docks should be oriented toward service roads and away from major streets or public view;*
- (ii) Loading areas should be clearly marked and should be separated from parking areas to the extent possible.*

There is no loading dock or loading space in connection with this project. As the Property is a residence, all deliveries of materials and supplies will be delivered directly to the entrance of the residence and stored therein.

(C) Vehicular and pedestrian circulation on a site should be safe, efficient, and convenient for both pedestrians and drivers. To fulfill this goal, the following guidelines should be observed:

- (i) *The location, number and design of driveway entrances to the site should minimize conflict with off-site traffic, should provide a safe transition into the parking lot, and should provide adequate acceleration and deceleration lanes, if necessary;*
- (ii) *Entrance drives should provide adequate space for queuing;*
- (iii) *Circulation patterns should be designed so that vehicular traffic may flow freely through the parking lot without encouraging higher speeds than can be safely accommodated;*
- (iv) *Parking areas should be designed to discourage their use as through-access drives;*
- (v) *Internal signs such as directional arrows, lane markings, and other roadway commands should be used to facilitate safe driving through the parking lot;*
- (vi) *Drive-through establishments should be designed with adequate space for queuing lanes that do not conflict with circulation traffic patterns or pedestrian access;*
- (vii) *Parcel pick-up areas should be coordinated with other on-site traffic flows;*
- (viii) *Pedestrian access should be provided into the site and through parking lots to the major destinations on the site;*
- (ix) *Pedestrian and vehicular circulation routes should generally be separated and clearly marked;*
- (x) *Crosswalks for pedestrians that span vehicular lanes should be identified by the use of signs, stripes on the pavement, change of paving material, or similar techniques;*
- (xi) *Barrier-free pathways to accommodate the handicapped should be provided.*

There will be no parking areas, drive-through areas or vehicular circulation areas associated with this project. Families will be able to park along either Oliver Street or 40th Street to access the Property where on-street parking is permitted, and access the Property via an existing concrete driveway off of 40th Avenue Street as shown on the DSP submitted for approval.

(3) Lighting.

(A) For uses permitting nighttime activities, adequate illumination should be provided. Light fixtures should enhance the site's design character. To fulfill this goal, the following guidelines should be observed:

- (i) *If the development is used at night, the luminosity, orientation, and location of exterior light fixtures should enhance user safety and minimize vehicular/pedestrian conflicts;*
- (ii) *Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, public spaces, and property addresses. Significant natural or built features may also be illuminated if appropriate to the site;*
- (iii) *The pattern of light pooling should be directed on-site;*
- (iv) *Light fixtures fulfilling similar functions should provide a consistent quality of light;*
- (v) *Light fixtures should be durable and compatible with the scale, architecture, and use of the site;*
- (vi) *If a variety of lighting fixtures is needed to serve different purposes on a site, related fixtures should be selected. The design and layout of the fixtures should provide visual continuity throughout the site.*

The operation of the Property will primarily be used as a family day care center during daytime hours. There are no specific lighting requirements for family day care as an accessory use in a R-55 Zone. As such, the Property will abide by any and all applicable laws, regulations and ordinances for ordinary residences in a R-55 zone. All walkways to and from the residence on the Property are adequately illuminated in keeping with other residences in the neighborhood.

(4) Views.

(A) Site design techniques should be used to preserve, create, or emphasize scenic views from public areas.

The proposed one-room addition will only expand the existing footprint of the residence by 432 square feet and will be in keeping with the existing design and aesthetics of the residence located on the Property. The construction of the addition will not violate any applicable setback requirements and will not obstruct any views in any material respect from either the public streets or neighboring properties.

(5) Green area.

(A) On-site green area should be designed to complement other site activity areas and should be appropriate in size, shape, location, and design to fulfill its intended use. To fulfill this goal, the following guidelines should be observed:

(i) Green area should be easily accessible in order to maximize its utility and to simplify its maintenance;

The entire green space will be existing lawn/yard area in keeping with adjacent properties in the neighborhood, as the subject Property is single-family residence. The DSP doesn't contemplate any change to the green area other than the minor expansion of the building footprint to accommodate the new addition and the removal of an existing concrete walkway from the house to the sidewalk adjacent to Oliver Street.

(ii) Green area should link major site destinations such as buildings and parking areas;

Not applicable for this Property.

(iii) Green area should be well-defined and appropriately scaled to meet its intended use;

The green areas generally extend from the residence to the perimeter lot line areas of the Property and are appropriate for the residential use.

(iv) Green area designed for the use and enjoyment of pedestrians should be visible and accessible, and the location of seating should be protected from excessive sun, shade, wind, and noise;

All green space is located on private residential property. There is no green area designated for the use and enjoyment of pedestrians generally, although the green area will be suitable for residential use and the intended use of operating a family day care.

(v) *Green area should be designed to define space, provide screening and privacy, and serve as a focal point;*

All green space is located on private residential property and will be designed and maintained in accordance with the applicable requirements set forth in the R-55 zone, including lot coverage restrictions.

(vi) *Green area should incorporate significant on-site natural features and woodland conservation requirements that enhance the physical and visual character of the site; and*

While there are no woodland conservation requirements connected with this site, nor any regulated environmental features, existing trees around the site's perimeter will be preserved to the extent practicable to preserve the Property's existing visual character.

(vii) *Green area should generally be accented by elements such as landscaping, pools, fountains, street furniture, and decorative paving.*

All green space is located on private residential property and will be maintained in accordance with the applicable requirements set forth in the R-55 zone, including limitations on lot coverage.

(B) The application shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

No regulated environmental features are associated with this project.

(6) *Site and streetscape amenities.*

(A) Site and streetscape amenities should contribute to an attractive, coordinated development and should enhance the use and enjoyment of the site. To fulfill this goal, the following guidelines should be observed:

(i) The design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture should be coordinated in order to enhance the visual unity of the site;

No new light fixtures, benches or other street furniture are proposed. Trash receptacles will be kept inside the house and put out to the curb on designated trash collection days.

(ii) The design of amenities should take into consideration the color, pattern, texture, and scale of structures on the site, and when known, structures on adjacent sites, and pedestrian areas;

As discussed above, the design of the one-room addition takes into consideration the color, pattern, texture and scale of the existing residence on the Property.

(iii) Amenities should be clearly visible and accessible, and should not obstruct pedestrian circulation;

The Property has clear, visible and accessible walkway areas to and from the existing residence.

(iv) Amenities should be functional and should be constructed of durable, low maintenance materials;

As discussed above, no new street furniture or other exterior improvements are proposed.

(v) Amenities should be protected from vehicular intrusion with design elements that are integrated into the overall streetscape design, such as landscaping, curbs, and bollards;

Not applicable to this Property.

(vi) Amenities such as kiosks, planters, fountains, and public art should be used as focal points on a site; and

Not applicable to this Property.

(vii) Amenities should be included which accommodate the handicapped and should be appropriately scaled for user comfort.

The residence will be handicap accessible to and from the outside walkway and driveway.

(7) Grading.

(A) Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:

(i) Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;

Existing grading will not be modified to accommodate the construction of the one-room addition beyond the edges of the proposed addition. The existing slope of the Property is generally level.

(ii) Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;

Not a concern for this Property and not applicable.

(iii) Grading and other methods should be considered to buffer incompatible land uses from each other;

Not a concern for this Property and not applicable.

(iv) Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and

Not a concern for this Property and not applicable.

(v) Drainage devices should be located and designed so as to minimize the view from public areas.

Stormwater runoff will not be materially impacted by the improvements contemplated in the DSP, and the proposed improvements are exempt from requirements for stormwater management. As such, no modifications to drainage devices are proposed.

(8) Service areas.

(A) Service areas should be accessible, but unobtrusive. To fulfill this goal, the following guidelines should be observed:

(i) Service areas should be located away from primary roads, when possible;

Services areas are not required for this Property and not applicable.

(ii) Service areas should be located conveniently to all buildings served;

Services areas are not required for this Property and not applicable.

(iii) Service areas should be effectively screened or enclosed with materials compatible with the primary structure; and

Services areas are not required for this Property and not applicable.

(iv) Multiple building developments should be designed to form service courtyards which are devoted to parking and loading uses and are not visible from public view.

The project is not a multiple building development.

(9) Public spaces.

(A) A public space system should be provided to enhance a large-scale commercial, mixed-use, or multifamily development. To fulfill this goal, the following guidelines should be observed...

The Property is neither a large-scale, mixed-use, nor multi-family development.

(10) Architecture.

(A) When architectural considerations are referenced for review, the Conceptual Site Plan should include a statement as to how the architecture of the buildings will provide a variety of building forms, with a unified, harmonious use of materials and styles.

There have been no prior approvals connected with the Property requiring any architectural considerations. The architectural style of the building addition will be in style with the existing architecture of the existing residence.

(11) Townhouses and three-family dwellings.

As the subject site does not contain townhouses or three-family dwellings, the six provisions in this subsection are not applicable to the subject project.

As the foregoing responses indicate, the Detailed Site Plan for the Property represents a reasonable alternative for satisfying the design guidelines. The basic findings for approval of a Detailed Site Plan in §27-285(b) continue as follows:

(2) The Planning Board shall also find that the Detailed Site Plan is in general conformance with the approved Conceptual Site Plan (if one was required).

No Conceptual Site Plan is associated with this project.

(3) The Planning Board may approve a Detailed Site Plan for Infrastructure if it finds that the plan satisfies the site design guidelines as contained in Section 27-274, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

No Detailed Site Plan for Infrastructure is associated with this project.

(4) The Planning Board may approve a Detailed Site Plan if it finds that the regulated environmental features have been preserved and/or restored in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130 (b)(5).

No regulated environmental features are associated with this project.

Consequently, the Planning Board can find that all four of the criteria of §27-285(b) have been met.

Special Permit:

The project also satisfies the criteria for the issuance of a Special Permit pursuant to §27-239.02(a)(6)(C) of the County Code. Those criteria are discussed as follows:

(1) The site plan generally conforms with design guidelines in an approved Master Plan or other applicable plan; and

As explained above, the Property is not subject to the development standards of the Gateway Arts District D-D-O Zone. Such development standards are a subset of the Development District Standards contained in the March, 2004 *Approved Sector Plan and Sectional Map Amendment for the Prince George's County Gateway Arts District*. Pursuant to the foregoing, the site plan is designed to be in conformance with the applicable regulations set forth in the underlying zoning district (R-55) and otherwise complies with the site plan requirements set forth in §27-285(b) of the County Code.

(2) The site plan shows that the proposed use will not be incompatible with adjacent properties because of building or site design.

The construction of a 432 square foot addition to an existing residence as shown on the DSP submitted for approval will not be incompatible with adjacent properties because of building or site design. The minor addition will be in keeping with the architecture and aesthetics of the existing residence. No other major site modifications in connection with the accessory use of the Property as a Family Day Care are contemplated. As such, there will be no negative impact on the adjoining properties or the neighborhood of Hyattsville Hills as a whole.

Conclusion:

In summary, because (i) the proposed DSP for the Property satisfies the required findings criteria set forth in §27-548.25(b) of the County Code, and (ii) the Property satisfies the required findings set forth in §27-239.02 of the County Code for the issuance of a special permit to operate a family day care as an accessory use on the Property, the Planning Board is justified in granting approval for both the DSP and the issuance of a Special Permit for the Property.

Respectfully submitted,

Natalie A. Lahood, Executive Director
St. Joseph's House, Ltd.