

PGCPB No. 01-215

File No. DSP-01033

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on October 18, 2001, regarding Detailed Site Plan SP-01033 for Jaeger Property, the Planning Board finds:

1. The Planning Board approved Preliminary Plat 4-00036 for the subject 3.74-acre property known as Jaeger Property on November 2, 2000 (PGCPB No. 00-189). The subject property is located on the west side of Westchester Park Drive, approximately 900 feet north of the intersection of Kenilworth Avenue and Westchester Park Drive. The adjacent properties are as follows:

North - Greenbelt Regional Park zoned R-O-S (Open Space)

South - Westchester Park Condominiums zoned R-10 (Multifamily High Density Residential)

East - Westchester Park Drive

West - Kenilworth Avenue (MD 201)

2. The applicant is proposing 36 multifamily units in three buildings. Multifamily dwellings are a permitted use in the R-30 Zone. Condition of approval #1 of Preliminary Plat 4-00036 requires the applicant to file a Detailed Site Plan for the subject proposal. The applicant is proposing three buildings around a central green area and parking lot. The entrance to the property from Westchester Park Drive will lead to the green area and parking lot.

The two-story buildings will have gabled roofs, brick and siding facades, and a central entrance foyer. Six units are proposed on each floor. The applicant is proposing the following types of units:

- | | |
|-----------------------|---------------------------|
| - One bedroom units | - 19 units (52.8 percent) |
| - Two bedroom units | - 14 units (38.9 percent) |
| - Three bedroom units | - 3 units (8.3 percent) |

The above bedroom percentages comply with the requirements of Section 27-419, bedroom percentages, which requires a maximum of 40 percent for two bedroom units and a maximum of 10 percent for three bedroom units.

3. The following conditions and findings of Preliminary Plat 4-00036 apply to this proposal:
#1 A Phase II Noise Study shall be submitted for this site, prior to Detailed Site Plan, for the proposed residential structures. The noise study shall address

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appropriate mitigation measures to achieve acceptable interior and exterior noise levels on this site, based on the Phase I study prepared by Staiano Engineering, Inc., for Westchester Park dated August 10, 2000.

- #2 Prior to building permits, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section, indicating that the design and construction of building shells will attenuate noise to interior noise levels of 45 dBA (Ldn) or less; and exterior active yard areas will have a noise level of 65 dBA (Ldn) or less.

Compliance with these conditions is discussed in Finding #14.

- #4 A Type II Tree Conservation Plan shall be approved in conjunction with the Detailed Site Plan.

Compliance with this condition is discussed in Finding #14.

- #6 The applicant, his heirs, successors and/or assigns shall provide adequate private recreational facilities on the property in accordance with the Parks and Recreation Facilities Guidelines.

The applicant has provided a tot-lot to partially fulfill this condition. The applicant must add a sitting area to completely meet the requirements of the Parks and Recreation Facilities Guidelines. A condition of approval has been added to require the sitting area.

4. Since the proposal is a new use on the property, the proposal is subject to the requirements of Section 4.1(residential requirements), Section 4.3 (parking requirements) and Section 4.7 (buffering incompatible uses) of the *Landscape Manual*.
5. The proposed parking is consistent with the following requirements of Section 27-582, off-street parking and loading, of the Zoning Ordinance:

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PARKING REQUIRED	PARKING PROPOSED
One bedroom units (2 per unit) 38 for 19 units	38
Two bedroom units (2.5 per unit) 35 for 14 units	35
Three bedroom units (3 per unit) 9 for 3 units	12
TOTAL REQUIRED - 82	85
LOADING REQUIRED None required for dwellings with fewer than 100 units	0

The parking table shows a total of 82 parking spaces. A condition of approval has been added to revise the parking table to show 85 parking spaces.

6. The proposal is in general conformance with the development standards for the R-30 Zone listed in Section 27-441.

Referral Comments

7. The State Highway Administration (McDonald to Srinivas, July 28, 2001) has no objections to the approval of the Detailed Site Plan.
8. The Park Planning Division (Binns to Srinivas, August 7, 2001) has no comments regarding the proposal.
9. The Subdivision Section (Del Balzo to Srinivas, August 3, 2001) has stated that the proposal must comply with the conditions of approval of Preliminary Plan 4-00036 requiring a noise study, compliance with the Tree Conservation Plan, and provision of on-site recreational facilities. The conditions of approval also prohibit direct access to and from Kenilworth Avenue. Compliance with these conditions is discussed in Finding #14.
10. The Community Planning Division (Chang to Srinivas, July 25, 2001) has stated that the proposal is consistent with the Master Plan recommendations for multifamily residential uses on the subject property and a density of no more than 12 dwelling units per acre. The Division has also stated that the master plan recommends a hiker-biker trail along the east side of Kenilworth Avenue. Kenilworth Avenue is designated as a Class III bikeway with appropriate signage. Condition of approval #5 of Preliminary Plan 4-00036 requires

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the applicant to provide the installation of one AShare the Road with a Bike@ sign in accordance with the state requirements prior to building permits.

11. The Department of Public Works and Transportation (Hijazi to Srinivas, July 23, 2001) has stated that the subject property has access from the privately maintained portion of Westchester Park Drive. A DPW&T construction permit is required. Coordination with the State Highway Administration is required for any work along Kenilworth Avenue.
12. The Department of Environmental Resources (De Guzman to Srinivas, August 7, 2001) has stated that the proposal is not consistent with the approved stormwater management concept #8318689-2000-00. The site plan does not show a storm drain system. A condition of approval has been added to require revision of the approved stormwater management concept or revision of the Detailed Site Plan to conform to the approved concept.
13. The Westchester Park Civic Association (Creco to Srinivas, August 6, 2001) has requested information on various issues like temporary construction access, parking, recreation, bioretention areas, cost sharing, financial viability, etc. The applicant has provided the information requested by the Civic Association (Stossier to Srinivas, September 28, 2001).
14. The Environmental Planning Section (Finch to Srinivas, August 9, 2001) has stated that the site is located in the Northeast Branch subdrainage area, which is a tributary to the Anacostia River. The property is located in water and sewer service categories W-3 and S-3. The soil on the site, Rumford soil series, will not pose any problems for the development of the site. No noise concerns have been identified for the residential development of the site. There are no rare, threatened or endangered species on the site.

Condition #1 of Preliminary Plan 4-00036 requires a Phase II Noise Study to be submitted for the proposed residential structures. Condition #2 requires certification from an acoustical engineer prior to building permits for certifying that the interior and exterior noise levels are at acceptable levels.

The applicant has chosen one of the three alternative measures identified in the Phase I Noise Study, which is to move the residential structures and outdoor recreational areas beyond the 65 dBA noise impact zone. Since standard construction methods will reduce interior noise levels by 20 dBA and 65 dBA is the acceptable exterior noise level in residential areas, no additional mitigation is required. Therefore, a Phase II Noise Study is no longer required to determine noise mitigation measures. The relocation of residential structures and outdoor recreation areas outside of the 65 dBA noise contour has eliminated the need for noise mitigation or acoustical certification prior to issuance of building permits.

Condition #4 requires a Type II Tree Conservation Plan to be approved in conjunction with the Detailed Site Plan.

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The applicant has submitted a Type II Tree Conservation Plan (TCPII/107/01). This Type II TCP was reviewed for conformance with the Type I Tree Conservation Plan (TCPI/25/00). The Section has requested the following revisions to the Type II TCP:

- Preservation with less than 35 feet to be shown as reforestation areas for purposes of determining seedling equivalent planting requirements;
- Additional information regarding the type of passive recreation in the proposed woodland retention area;
- All woodland areas located a minimum of 10 feet from buildings to allow maintenance access;
- Reforestation less than 35 feet in width not credited for woodland conservation requirements;
- A clear zone with a minimum width of 20 feet in any area where overhead utility wires are retained;
- Delineation and protection of reforestation areas by the planting of larger size edge materials and/or tree protection devices;
- Coordination of signage with the location of the TPD or alternative means of sign posting to define the edge of reforestation areas.

The applicant has provided the above required information. The Section, in a revised memorandum dated October 4, 2001, has recommended approval of the Tree Conservation Plan and recommended a condition that the term >passive recreation= be removed from all plans. A condition of approval has been added to require the same.

15. The Transportation Section (Burton to Srinivas, August 7, 2001) has no comments regarding the proposal.
16. A referral was sent to the City of Greenbelt. No response has been received as of this date.
17. A referral was sent to the National Parks Service. No response has been received as of this date.
18. The Permits Section (Windsor to Srinivas, meeting, September 27, 2001) has requested minor changes to the site plan. A condition of approval has been added to require the applicant to provide information on net area, lot coverage, green area calculations, lot frontage, setbacks etc.
19. With the proposed conditions, the Detailed Site Plan SP-01033 is found to represent a

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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.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type II Tree Conservation Plan (TCPII/107/01) and further APPROVED Detailed Site Plan SP-01033 for the above-described land, subject to the following conditions:

1. Prior to certification of the Detailed Site Plan:
 - a. The site/grading and landscape plans shall be revised to show:
 - (1) a sitting area in accordance with the Parks and Recreation Facilities Guidelines.
 - (2) notes regarding the total net area, the proposed green area, coverage, FAR, setbacks, the existing frontage etc., to show compliance with the requirements of Section 27-441 of the Zoning Ordinance regarding the R-30 Zone.
 - (3) location, design and details of proposed signs
 - (1) notes stating that the total number of units proposed is 37 with
 - one-bedroom units
-20 units
 - two-bedroom units
-14 units
 - three-bedroom units
- 3 units
 - (1) a lighting plan that is compatible with the existing lighting in the Westchester Park development
 - b. The Tree Conservation Plan shall be revised to eliminate the term >passive recreation area= from the proposed woodland retention area at the northern boundary of the property.

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- c. The applicant shall revise the stormwater management concept approval from the Department of Environmental Resources or revise the Detailed Site Plan to conform to the approved concept.

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

* * * * *

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 Lowe, seconded by Commissioner Eley, with Commissioners Lowe, Eley, Scott, Brown, and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 18, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 15th day of November 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:LS:pch