

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 April 22, 2004, regarding Detailed Site Plan DSP-03084 for Lanham, Lot 2, the Planning Board finds:

1. **Request:** The subject application requests the construction of a single-family home in the R-R Zone.

2. **Development Data Summary**

	EXISTING	PROPOSED
Zone	R-R	R-R
Use(s)	Vacant	Residential
Acreage	.656	.656
Lots	1	1

3. **Location:** The site is in Planning Area 70, Council District 5. More specifically, it is located on the east side of Lanham Station Road, approximately 900 feet east of its intersection with I-495.
4. **Surroundings and Use:** The subject property is bounded to the northwest by the Pennsylvania Railroad and on the southwest by Lanham Station Road. The surrounding land use is residential on the subject property's side of the railroad tracks, though it is commercial on the opposite side. There is an existing cell tower on the railroad right of way.
5. **Previous Approvals:** The subject property is subject to Preliminary Plan of Subdivision 4-95070, which requires in part that development on Lot 2 receive detailed site plan approval. Specifically, it required that a detailed site plan be approved for Lot 2 prior to the issuance of the building permit to address noise levels, buffering, and preservation of trees.
6. **Design Features:** The proposed, 2-story, 2,576-square-foot, single-family dwelling with an attached garage is located on the extreme southeasterly side of the subject lot, as distant as possible from the adjacent Pennsylvania Railroad line. A Verizon cellular telecommunications tower is located in the railroad right-of-way. The lot measures 28,576 square feet, and the proposed 32-foot-tall dwelling would cover 11 percent of the lot. An approximately 80-foot-wide WSSC right-of-way covers the northwesterly end of the lot adjacent to the Pennsylvania Railroad line. It contains a large rectilinear structure and is somewhat vegetated. Stretching between the WSSC right-of-way and the house site on the lot is a 100-foot conservation easement. A 10-foot public utility easement runs adjacent to the property's frontage along Lanham Station Road. The lot is sparsely wooded and the site plan indicates that the following trees are to be saved:

- 1-inch cherry
- 18-inch oak
- Two 2-inch hollies
- 24-inch maple
- 25-inch oak
- Two 18-inch oaks

The proposed dwelling on the property will be accessed by a driveway off of Lanham Station Road.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-R Zone and the site plan design guidelines of the Zoning Ordinance.
- a. The subject application is in conformance with the requirements of Section 27-428 and the Table of Uses (Part 5, Division 3).
 - b. The proposal is also in conformance with the applicable additional regulations concerning the location, size, and other provisions for all buildings and structures in the R-R Zone (Part 5, Division 1 and 5), the Regulations Tables (Part 5, Division 4), General Regulations (Part 2), Off-Street Parking and Loading (Part 11, Signs (Part 12), and the *Landscape Manual*.
8. **Preliminary Plan of Subdivision 4-02103:** Preliminary Plan 4-95070 was approved by the Planning Board on October 12, 1995. Resolution PGCPB 95-344 was adopted on November 2, 1995. The following condition of approval applies to the review of the subject Detailed Site Plan. The condition is bolded and staff comment is provided in italicized print after each component of the conditions.

“A Detailed Site Plan shall be approved for Lot 2 prior to the issuance of building permits, and should be noted on the Final Plat. The Detailed Site Plan should address the following issues:

- “a. The architecture shall provide for interior noise levels of 45 dBA (Ldn) or less as certified by a professional engineer with competency in acoustical analysis;**

Staff Comment: The applicant has provided a study prepared by Acoustical Design Collaborative, Ltd., that states: “Interior noise levels for future residents are expected to be below DNL 45 dBA, assuming typical residential construction”. Prior to issuance of a building permit, the applicant should provide certification by a professional engineer with competency in acoustical analysis that the proposed structure, in fact, provides for interior noise levels of 45 dBA (Ldn) or less.

- “b. All reasonable efforts should be made to reduce noise levels in outdoor areas associated with the new dwelling to 65 dBA through landscaping, tree preservation, placement of acoustical barriers, or design of the dwelling to shield outdoor living areas;**

Staff Comment: Noise control modifications to be made to the property include placing the proposed house on the southeasterly corner of the property as distant from the Pennsylvania Railroad bed, MD 450, and the Capital Beltway as possible. Additionally, pursuant to Condition 6 of the final plat approval, a 100-foot conservation easement was placed on all existing vegetation outside the building restriction lines and extending to cover the area between the existing woods and the Washington Suburban Sanitary Commission right-of-way. However, the lot is not heavily wooded. Therefore, staff recommends the installation of a double staggered row of American Arborvitae trees, planted ten feet on center, along the Washington Suburban Sanitary Commission's easement.

- “c. Appropriate bufferyards be provided from adjacent uses, especially the mobile telephone tower, the mobile telephone equipment building, and the railroad tracks; and**

Staff Comment: Urban Design staff has evaluated the proposed project with respect to the buffering requirements of the Landscape Manual and the unique characteristics of the subject site. Staff recommends the installation of a double staggered row of American Arborvitae planted ten feet on center along the Washington Suburban Sanitary Commission's easement.

- “d. The preservation of mature trees located on the site to the extent possible as part of noise attenuation measures.”**

Staff Comment: Condition 7.d has been met through the proposed preservation of most of the mature trees on site.

9. ***Landscape Manual:*** The proposed development meets and exceeds the on-site residential requirements of the *Landscape Manual* that include a minimum of three shade trees, one ornamental tree and one evergreen tree. Section 4.7 of the *Landscape Manual* applies along its common boundary with the Pennsylvania Railroad. Pursuant to Section 4.7 of the *Landscape Manual*, the applicant is required to provide a D buffer. The D buffer, defined in the manual as a buffer requiring a minimum building setback of 50 feet and a minimum landscaped yard of 40 feet containing a minimum of 160 plant units per 100 linear feet of property line, could not run along the subject boundary because of the presence of a Washington Suburban Sanitary Commission easement. It is, however, contained within the existing woodland in the 100-foot dedicated conservation easement that runs between the Washington Suburban Sanitary Commission easement and the proposed single-family dwelling. Pursuant to Note 3.B. of Table IV of the *Landscape Manual*: “When existing woodland is located within the entire minimum landscaped yard, preservation of that woodland will be allowed to substitute for the required plant materials.” The length of the subject boundary is approximately 122 feet, requiring 192 plant units. Please note that the cell tower, categorized in the *Landscape Manual* as a low-intensity use, would be adequately buffered by the greater buffer requirement described above.
10. **Woodland Conservation Ordinance:** The property is exempt from the requirements of the Prince George's County Woodland Conservation Ordinance because the entire site is less than

40,000 square feet in size and does not have a previously approved Tree Conservation Plan.

11. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:
- a. **Historic Preservation**—The Historic Preservation and Public Facilities Planning Section has stated in comments offered February 12, 2004, that the proposed project will have no effect on historic resources.
 - b. **Community Planning**—The Community Planning Division, noting that the proposed lot size exceeds the minimum size requirement for the R-R Zone and that the relevant preliminary plan of subdivision specifies the issues that must be addressed by a detailed site plan, stated that there are no master or general plan issues associated with the project.
 - c. **Transportation**—At the time of the writing of this staff report, the Transportation Planning Section had not offered comment on the proposed project.
 - d. **Subdivision**—The Subdivision Section, in comments dated March 10, 2004, stated that the property is the subject of Preliminary Plan 4-95070 and Record Plat VJ178@56, and that the detailed site plan was required to examine noise issues, bufferyards and tree preservation, all within the purview of the Environmental Planning Section for relevant comment. The Subdivision Section, in closing, stated that there are no other subdivision issues connected with the project at this time.
 - e. **Permits**—The Permit Review Section of the Development Review Division noted the necessity to comply with buffering requirements or obtain alternative compliance and asked that the width of Lanham Station Road be included on the detailed site plan.
 - f. **Environmental Planning**—The Environmental Planning Section, in a memorandum dated March 23, 2004, stated that the plan meets all applicable environmental requirements provided its approval is made subject to a condition that the approval of a building permit for the project requires certification by a professional engineer with competency in acoustical analysis that the building shells of the structures within the prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
 - g. **Department of Environmental Resources**—The Department of Environmental Resources has stated in comments offered February 17, 2004, that the proposed site plan for Lanham Lot 2, DSP-03084, is consistent with approved stormwater concept plan #34638-2003.
 - h. **Department of Public Works and Transportation**—At the time of the writing of this staff report, the Department of Public Works and Transportation had not offered comments on the proposed project.

- i. **Washington Suburban Sanitary Commission**—In comments offered March 2, 2004, the Washington Suburban Sanitary Commission stated that water and sewer are available to the subject site.
 - j. **New Carrollton**—At the time of the writing of this staff report, New Carrollton had not offered comment on the proposed project.
12. As required by Section 27-285(b) of the Zoning Ordinance, the detailed site plan represents a reasonable alternative for satisfying the site design guidelines of Subtitle 27, Part 3, Division 9 of the Prince George's County Code without requiring unreasonable cost 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 Detailed Site Plan DSP-03084, subject to the following conditions:

- 1. Prior to obtaining a building permit for the project, the applicant shall proffer certification by a professional engineer with competency in acoustical analysis that the building shells of the structures within the prescribed noise corridors have been designed to reduce interior noise levels to 45 dBA (Ldn) or less.
- 2. Prior to signature approval:
 - a. The applicant shall indicate the width of Lanham Station Road on the detailed site plan.
 - b. The applicant shall revise the plans to indicate a double row of American Arborvitae or equivalent species as determined by Urban Design staff as designee of the Planning Board, planted ten feet on center along the Washington Suburban Sanitary Commission easement on the northwesterly end of the subject site.
 - c. A note shall be added to the plans stating that only trees directly in the proposed footprint of the house shall be removed in the course of construction.

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.

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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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Squire, Vaughns and Hewlett voting in favor of the motion, at its regular meeting held on

PGCPB No. 04-78
File No. DSP-03084
Page 6

Thursday, April 22, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of May 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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