

Case No. SP-03066

Applicant: Sprint/APC Realty and
Equipment Co., LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL

ORDER AFFIRMING PLANNING BOARD DECISION

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 05-87, to approve a detailed site plan for installation of a monopole, for use as a telecommunications facility, on property described as approximately 0.6120 acres of land in the C-M Zone, located in the southwest quadrant of the intersection of Martin Luther King, Jr., Highway (MD 704) and I-95, Landover, is hereby:

AFFIRMED, for the reasons stated in the Planning Board's Resolution, whose findings and conclusions are hereby adopted as the findings of fact and conclusions of law of the District Council.

Affirmance of the Planning Board's decision is subject to the following conditions:

1. Prior to certificate approval of this detailed site plan, the applicant shall make the following revisions:
 - a. Have a registered engineer certify that the structure shown in the plan will meet applicable wind load standards approved by the Electronic Industries Association for Prince George's County.
 - b. Add a note to the plans, stating that tower design shall be for a "stealth tower."
 - c. Revise the plans to indicate "No Parking" or "Emergency Parking Only" signage along the subject property's Martin Luther King, Jr., Highway frontage, either

on the property or in the right-of-way, if approved by the State Highway Administration (SHA). Such signs shall be paid for and perpetually maintained by the applicant or property owner and installed by the applicant, the property owner, or SHA.

d. Request and provide evidence to staff that the Department of Public Works & Transportation (DPW&T) has granted the property owner or applicant the right to acquire or utilize the 25 feet of right-of-way on the north side of Lots 1, 2, and 3 ("Ardwick-Ardmore Road (abandoned)"), and the 25 feet of right-of-way on the east side of Lot 3 ("Watkins Avenue (abandoned)"), to plant a fast-growing evergreen tree, such as Leyland Cypress, to serve as transitional screening from Martin Luther King, Jr., Highway and from the development on the east side of I-95. If the vacation and transfer to the property owner of the portions of Ardwick-Ardmore Road and Watkins Avenue to be utilized for the subject plantings take place as part of the action required by condition 3 below, then DPW&T permission is not necessary. If for any reason the applicant is unable to plant the above buffer off-site, then a 25-foot buffer shall be planted on-site, along the northerly boundaries of Lots 1, 2, and 3, and the easterly side of Lot 3.

2. Prior to issuance of any permits, the applicant shall record a final plat of subdivision, in accordance with Section 24-108 of the Subdivision Regulations, for which no preliminary plan is required, to consolidate into one parcel the following lots and parcels: Lots 1, 2, 3, and 16; part of Brightseat Road; and other appropriately vacated rights-of-way.

3. Prior to the issuance of building permits, the applicant shall file a petition to vacate, in accordance with Section 24-112, that portion of Brightseat Road abutting the western property line of Lot 1, Block L, as delineated on the DSP. The portions of Ardwick-Ardmore Road to the north and Watkins Avenue to the east which

about this site shall be included in the petition to vacate, as determined appropriate by DPW&T.

4. Prior to the issuance of a use and occupancy permit for the monopole on the subject property, the applicant shall remove all stored or abandoned materials from the property that are not directly related to the operation of the service repair business, including stored automobile parts, abandoned vehicles, and the like. This cleanup shall be reviewed and approved by the Ardmere Springdale Civic Association, which shall submit a review letter to the Urban Design Section.

Ordered this 28th day of November, 2005, by the following vote:

In Favor: Council Members Dean, Bland, Campos, Dernoga, Harrington, Knotts and Peters

Opposed:

Abstained:

Absent: Council Members Exum and Hendershot

Vote: 7-0

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND, SITTING AS THE DISTRICT COUNCIL FOR THAT PART OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN PRINCE GEORGE'S COUNTY, MARYLAND

By: _____
Samuel H. Dean, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council