

RESOLUTION

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 March 15, 2007, regarding Detailed Site Plan DSP-02047/01 for Indian Head Woods, the Planning Board finds:

1. **Request:** The application is a request to approve an expired Detailed Site Plan and to revise the proposed architectural elevations for the project.

2. **Development Summary**

	Existing	Proposed
Zone(s)	R-R	R-R
Use(s)	Vacant	Single-family residential
Acreage	13.85 acres	13.85 acres
Lots	0	16
Parcels	2	2

Additional development data:

Total disturbed area	7.00 acres
There are no wetlands, floodplains or streams on this site.	
Number of Lots Permitted	17
Number of Lots Proposed	16
Minimum Lot Size Permitted	20,000 sq.ft.
Minimum Lot Size Proposed	20,117 sq.ft.

3. **Location:** The subject site is located on the east side of Indian Head Highway approximately 1800 feet south of Farmington Road West.

4. **Surrounding Properties:** The adjacent properties are as follows:

North - Indian Head Highway (MD 210)
 South - Single-family detached residential
 East - Vacant
 West - Single-family detached residential

5. **Previous approvals:** A Preliminary Subdivision Plan, 4-93013, was approved for the subject property, known as Indianhead Woods, on February 9, 1993 (PGCPB No. 93-156), for 17 lots.

Detailed Site Plan DSP-02047 was approved on July 17, 2003 (PGCPB No. 03-154) for 16 lots. The final plats were recorded in VJ 167@51. Permit #2781-2005-G was issued by DER; street construction permit #43346-2005 was issued by DPW&T and a System Extension Permit #DA-1069Z94 was issued by WSSC. All infrastructure for the site, including streets, sidewalks, stormwater management and utilities exist on-site.

6. **Design Features:** Access to the property is from Indian Head Highway. Sixteen lots are proposed along a road that connects to vacant property to the east, with a single cul-de-sac off the proposed main roadway. A stormwater management pond is proposed at the entrance to the subdivision. Woodland conservation is proposed along Indian Head Highway, which buffers the rear of units from view. No entrance feature is proposed.

The applicant is proposing the following architectural models for the subdivision:

<u>Model</u>	<u>Square Feet</u>
Aspen	3,535
Mahogany	3,325
Hemlock	3,806
Palmetto	3,852
Cherrywood	4,059
Redwood	3,004

- . The proposed models appear to be interesting and quality architectural products. All front elevations appear to incorporate brick, stone or stucco; therefore, the staff recommends a condition that requires that all of the units have 100 percent brick, stone or stucco, or any combination thereof..
7. The following conditions of the Preliminary Plan 4-93013 are applicable to the subject Detailed Site Plan:

2. **A Type II Tree Conservation Plan shall be approved for this site by the Planning Board prior to the issuance of any grading permits.**

The applicant submitted a Type II Tree Conservation Plan, TCP/II/90/02 with the original case and it was approved by the Planning Board, along with the original Detailed Site Plan.

5. **Prior to issuance of any permits, the applicant, his heirs, successors, and/or assignees, shall submit a Limited Detailed Site Plan which shall be reviewed and approved by the Planning Board:**
 - a. **The site plan shall address landscaping and buffering of the development from Indian Head Highway, tree conservation, house locations and architecture.**

The applicant has provided substantial landscape buffers to screen the development from Indian Head Highway. Tree conservation was addressed in the review of the TCP II at the time of the original review. The house locations are acceptable. The staff recommends that prior to signature approval, the end walls clearly demonstrate that a minimum of three end wall features for each model type are proposed. The proposed design features contribute to an overall superior quality of architecture proposed for this development.

- a. **The site plan shall address building materials and landscaping necessary to abate exterior noise from MD 210 and assure that interior noise levels will not exceed 45 dBA for Lots 1, 2, 16 and 17.**

The applicant is proposing an eight-foot-high wooden fence along Indian Head Highway along the rear yards of Lots 11, 12, 14 and 15 in order to mitigate the noise impacts from traffic. Brick piers are proposed at 16 feet on center to reduce the monotonous appearance of a fence along Indian Head Highway and will be set back ten feet from the property line. The proposed setback is not consistent with the requirements of setbacks for structures over six feet in height as required by the Zoning Ordinance. The applicant has submitted a variance application for the proposed setback, as was done with the original case. The applicant has provided details of this fence; however, the material is not clear on the drawings. Therefore the staff is recommending a condition of approval to indicate the fence to be made of durable and lasting materials other than wood.

8. The proposal is subject to the requirements of Section 4.1 (Residential requirements), Section 4.6 (Buffering residential development from streets) and Section 4.7 (Buffering incompatible uses) of the *Landscape Manual*. A "C" bufferyard is required along the eastern property line of Lots 6 and 7 to buffer the Southern Maryland Electric Company easement (public utility use) and to meet the requirements of Section 4.7 of the *Landscape Manual*. The plans indicate conformance to Sections 4.1, 4.6 and 4.7 of the *Landscape Manual*.

Referral Comments

9. The Permits Review Section (Windsor to Whitmore, October 14, 2002) has requested a minor change to the site plan to add the height of the structure to the template footprints for each of the proposed models. A condition of approval has been added to require the same.
10. The Transportation Planning Section (Masog to Lareuse, January 23, 2007) has stated that the proposal is acceptable and consistent with the previously approved plans.
11. The Historic Preservation Section has stated that the plan has no effect on any historic resources.
12. The State Highway Administration has no objection to the approval of the Detailed Site Plan.
13. The Parks Department has no comment on the application.

14. The Environmental Planning Section supports the variance, VD-02047, and recommends approval of DSP-02047/01 subject to one condition supports the variance, VD-02047, and recommends approval of DSP-02047/01 subject to one condition.

Background

The Environmental Planning Section previously reviewed Preliminary Plan 4-93013 and TCPI/8/93 for the subject property. These applications were approved by PGCPB Res. No. 93-156. A limited detailed site plan was required by PGCPB Res. No. 93-156. Detailed Site Plan DSP-02047 and TCPII/90/02 were approved with conditions by PGCPB No. 03-154. A rough grading permit, #2781-2005-G, was approved by the Permits Section on November 4, 2005. A permit for the construction of a single-family detached residential structure on Lot 1, Block B, was approved by the Permits Section on December 29, 2006. The detailed site plan expired and this application is identical to the plans that were certified after approval by the Planning Board on July 17, 2003.

Site Description

The 13.42-acre property in the R-R Zone is located on the east side of Indian Head Highway, southwest of its intersection with Farmington Road. The site is currently undeveloped. Almost all of the property is currently wooded. No historic or scenic roads are affected by this proposal. There is a stream and wetlands on the property associated with Piscataway Creek in the Potomac River watershed. There is no floodplain on the property. Indian Head Highway is a significant nearby noise source. There are no rare, threatened, or endangered species located in the vicinity of this property based on information provided by the Maryland Department of Natural Resources Natural Heritage Program. According to the "Prince George's County Soils Survey," the principal soils on the site are in the Aura, Beltsville and Sassafras soils series. The site is in the Developing Tier according to the adopted General Plan.

Environmental Review

- a. The Subdivision Ordinance provides for the protection of streams, stream buffers, wetlands, wetland buffers, 100-year floodplain, adjacent areas of slopes in excess of 25 percent, and adjacent areas of slopes between 15 and 25 percent with highly erodible soils. A conservation easement enclosing these features was established during the review of 4-93013 and is shown on the Record Plat, VJ 169-51. The conservation easement is clearly shown on the plans. No further action is needed as it relates to this detailed site plan review.
- b. Indian Head Highway is a significant nearby noise source. Conditions of approval from the preliminary plan require a limited detailed site plan to deal with the high noise levels. This is the issue at hand with the subject application.

A noise study, dated August 12, 2002, was submitted with the original DSP review package. A revised noise study was received May 8, 2003, during the review of the original DSP application and showed locations for two additional noise barriers, one adjacent to Lot 1 and one to the south and east of the proposed stormwater management pond on Lots 11-15. Additional sound barriers are shown on Lots 15 and 16.

In summary, the noise mitigation barrier proposed along Indian Head Highway on Lots 11–15 mitigates the noise on Lots 11, 12 and 13 to meet the state noise standards. Exterior noise levels on proposed Lots 1, 2 and 3 will be partially mitigated by the eight-foot barrier shown on Lot 1; however, the proposed structures on Lots 2 and 3 will provide the additional shielding needed to ensure that the rear yard outdoor activity areas are not significantly impacted by traffic-generated noise. The sound walls shown on Lots 15 and 16 will provide some mitigation for those structures. The selection of proper building materials can ensure that interior noise levels do not exceed 45 dBA (Ldn).

The eight-foot-high noise barrier located on Lots 11–15 by Indian Head Highway requires a variance because it is proposed to be greater than six feet in height. The noise study shows that such a barrier will provide significant mitigation of traffic-generated noise for Lots 4, 11, 12 and 13 if placed in this location. The Environmental Planning Section supports VD-02047.

Recommended Condition: Prior to the approval of building permits, the architectural plans shall be certified by a professional engineer with competency in acoustical analysis that building shells on all lots will attenuate noise levels to an interior level not to exceed 45 dBA (Ldn).

- c. The soils information in the “Prince George’s County Soils Survey” indicates that the principal soils on the site are in the Aura, Beltsville, and Sassafras soils series. Aura soils can pose problems on steep and severe slopes because of their highly erodible nature. Beltsville soils can pose problems on steep and severe slopes because of their highly erodible nature and in flatter areas because of impeded drainage and a perched water table. Sassafras soils pose no special problems for development.

Comment: This information is provided for the applicant’s benefit. No further action is needed as it relates to this detailed site plan review. A soils report may be required by Prince George’s County during the permit process review.

- d. The proposed stormwater management pond has been approved by the Prince George’s County Department of Environmental Resources and is owned by Prince George’s County. No further action is needed as it relates to this detailed site plan review.

Summary

The Environmental Planning Section supports VD-02047.

The Environmental Planning Section recommends approval of DSP-02047 subject to the following condition:

- a. Prior to the approval of building permits, the architectural plans shall be certified by a professional engineer with competency in acoustical analysis that building shells on all lots will attenuate noise levels to an interior level not to exceed 45 dBA (Ldn).
15. The Community Planning Division has not responded to the referral request.
 16. This application is located in the Accokeek Development Review District. Pursuant to Section 27-687 of the Zoning Ordinance, the Accokeek Development Review District Commission has been listed as a party of record. The address for the ADRDC is:

John Patterson, Chairman
Accokeek Development Review District Commission
1208 Bohac Lane
Accokeek, MD 20607

Staff sent a copy of the application to the Accokeek Development Review District Commission. As of the writing of this report, no comment from them regarding the application has been received.

Variance from Section 27-442(e)

17. Section 27-465 (a), Fences and Walls, of the Zoning Ordinance states that:

Unless otherwise provided, fences and walls (including retaining walls) more than six (6) feet high shall not be located in any required yard, and shall meet the setback requirements for the main buildings.

Section 27-442(e) states regulations of the Zoning Ordinance require a minimum 25-foot setback in both the front and rear yards for all buildings on “through” lots (because on “through” lots both of these yards technically qualify as front yards).

The applicant is proposing an eight-foot-high fence with 2-foot x 2-foot brick piers at 16 feet center to center along the rear yards of Lots 11, 12, 14 and 15 along Indian Head Highway. Lots 11 and 12 also abut Indian Hill Court on the southeast and Lots 14 and 15 abut Indian Hill Road to the east. According to Section 27-107.01 (144) of the Zoning Ordinance, a “through” lot is an interior lot fronting on two or more streets. Section 27.107.01(261) of the Zoning Ordinance states that any yard that abuts a street on a “through” lot is a front yard. Therefore, Lots 11, 12, 14

and 15 have two front yards and two side yards. The required setback along Indian Head Highway for an eight-foot-high fence is 25 feet.

Section 27-230 of the Zoning Ordinance requires the Planning Board to make the following findings prior to approving an application for a variance:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

In order to reduce the outdoor noise to acceptable levels, the applicant must provide an eight-foot-high fence along Indian Head Highway. Providing the required setback for this fence would not effectively reduce the outdoor noise levels. To reduce the sound levels effectively, the most efficient placement of the fence is as close to the noise source as possible; which in this case, is Indian Head Highway. Placing the fence further away from the noise source would render it ineffective. The fence has to be set back 10 feet from the property line because there is a public utility easement within 10 feet. Therefore, a variance of 15 feet from the front setback requirements is needed. The noise mitigation requirements necessitate the provision of a fence within the required setbacks.

The property could not be developed if a noise fence were not incorporated into the design plans. The topography of the site is such that it increases dramatically the property's frontage on Indian Head Highway. The exceptional situation for this case is the impact of the offsite noise generator and the ineffectiveness of the proposed noise mitigation fence were it to meet the setback requirement as stated in the Zoning Ordinance.

(2) The strict application of this Subtitle will result in peculiar or unusual practical difficulties to, or exceptional or undue hardship upon the owner of the property; and

The strict application of this subtitle would result in noise in excess of acceptable levels in the rear yards of the subject lots. Although the applicant has proposed the fence within the required setbacks, adequate area has been provided to accommodate landscaping within the proposed setbacks. The proposal meets all other requirements of the R-R Zone. The setbacks for the proposed houses meet the requirements of the R-R Zone. The variances are being requested only for the eight-foot-high fence. Therefore, the granting of the variance is justified. The strict application of this subtitle by locating the fence behind the normal setback would result in peculiar or unusual difficulties to the owner of the property because it would result in noise levels above acceptable levels in the rear yards of the subject lots.

(3) The Variance will not substantially impair the intent, purpose or integrity of the General Plan or Master Plan.

The proposed use, if modified in accordance with the proposed conditions below, will be consistent with recommendations for noise/visual screening of residential uses along major highways. Brick

piers are proposed for the fence to improve the appearance along Indian Head Highway in accordance with master plan guidelines. Therefore, the granting of the variance will not substantially impair the intent, purpose or integrity of the General Plan or master plan.

Staff finds that the approval of the variance application, VD-02047/01, is justified based on the fulfillment of the criteria mentioned above.

15. In accordance with Section 27-285(b) of the Zoning Ordinance, with the proposed conditions, Detailed Site Plan SP-02047/01 represents a reasonable alternative for satisfying the site design guidelines, without requiring unreasonable costs or 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/90/02) and APPROVED Variance Application No. VD-02047/01, and further APPROVED Detailed Site Plan 02047/01 for the above-described land, subject to the following conditions:

1. Prior to certification of the detailed site plan, the applicant shall revise the site/grading, landscaping and architectural drawings to show the following:
 - a. The height of the proposed dwelling units shall be indicated on the plans.
 - b. All footprints of the approved models, with available options, shall be shown on the plans.
 - c. Material designation of the noise attenuation fence shall be a non-wood product, and the details and specification shall be reviewed and approved by the Environmental Planning Section.
 - d. A minimum of three design elements on the side elevations of the proposed models.
2. Prior to issuance of building permits:
 - a. The architectural plans shall be certified by a professional engineer with competency in acoustical analysis that building shells on all lots will attenuate noise levels to an interior level not to exceed 45 dBA Ldn.
 - b. Lot coverage for each lot shall be shown on the site plan.

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 Clark, seconded by Commissioner Eley, with Commissioners Clark, Eley, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, March 15, 2007, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of April 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

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