

Case No. DSP-02037/01

Applicant: Xzerta Marlton, LLC

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

ORDER AFFIRMING PLANNING BOARD DECISION,
WITH CONDITIONS

IT IS HEREBY ORDERED, after review of the administrative record, that the decision of the Planning Board in PGCPB No. 10-120, to approve with conditions a detailed site plan for a 172-unit apartment development for the elderly, on property described as 8.947 acres of land in the R-18 Zone, for a project referred to as Eagle Crest at Marlton, located in the southeast quadrant of the intersection of Grandhaven Avenue and Heathermore Boulevard, Upper Marlboro, is:

AFFIRMED, for the reasons stated by the Planning Board, whose decision is hereby adopted as the findings of fact and conclusions of law of the District Council in this case.

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

1. Prior to signature approval of this detailed site plan, the applicant shall revise the site and landscape plans to:
 - a. Remove the reference to "+0.5 x 80 = 115" in the parking schedule.
 - b. Revise the parking schedule to indicate that two of the five required handicap spaces must be van accessible and that these spaces are 16 by 19 feet. The dimensions of regular handicap spaces shall be revised to indicate that these spaces are 13 by 19 feet.
 - c. Provide a color detail of the retaining wall and safety rail/fence. Revise the site plan to demonstrate top-of-wall and bottom-of-wall elevations.
 - d. Add the plat notes as recorded in Plat Book NLP 147@84 on June 15, 1989 to the General Notes on the cover sheet of this detailed site plan.
 - e. Revise the plans to include the six-foot-wide sidewalks along Grandhaven Avenue and Heathermore Boulevard.

- f. The eight-foot hiker/biker trail shall be relocated so that it does not interfere with required 4.7 bufferyards and landscaping. If the relocation disturbs any wooded areas, a revised TCP II shall be submitted.
- g. Provide amenities within the two courtyards that include landscaping; pools, fountains, or art; benches, garbage receptacles, and brick paving. The lighted bollards shall be placed within the landscaped areas to reduce tripping hazards.
- h. Subject to approval by the Department of Public Works and Transportation (DPW&T), redesign the bioretention pond to create a visual amenity or screen the view of the pond and chain link fence from all trails, neighboring development, and public roads.
- i. Provide benches and garbage receptacles at intervals along the eight-foot asphalt trail on the southern portion of the property.
- j. Revise the 4.1(g) landscape schedule and plans to reflect one major shade tree per 1,600 square feet of green area provided.
- k. Revise the 4.3(a) schedule and plans for Heathermore Boulevard to provide one shade tree and ten shrubs per 35 linear feet of frontage or provide the appropriate design and schedule for one of the other options available that meets the criteria of Section 4.3(a).
- l. Provide the correct square footage of the parking lot in the parking schedule in conformance with Section 4.3(c). Provide the appropriate number of plant units in accordance with this section of the *Prince George's County Landscape Manual*.
- m. Correct the schedule and plan for Section 4.7 adjacent to the townhouse development to the south, to remove the trail from the required bufferyard and state the correct number of plant units.
- n. Correct the schedule and plan for Section 4.7 adjacent to the Potomac Electric Power Company (PEPCO) utility easement to the south, to remove the trail from the required bufferyard and state the correct number of plant units. If the trail cannot be relocated, an Alternative Compliance application shall be submitted, to be approved by the Planning Director prior to signature approval of this detailed site plan.
- o. Submit a copy of an approved and valid Stormwater Management Concept Approval Letter and any associated plans for evaluation by the staff of the Environmental Planning Section.
- p. Place a reference to the recreational facilities agreement (RFA) in the general notes on the site plan, and verify and revise the status of the RFA, if necessary.

2. The applicant and the applicant's heirs, successors and/or assignees shall:
 - a. Construct six-foot-wide, concrete hiker/biker trails along the subject property's entire frontages of Grandhaven Avenue and Heathermore Boulevard.
 - b. Construct eight-foot-wide, asphalt hiker/biker trails across the southern edge of the property, at the location agreed to by the applicant and the Urban Design Section.

3. The owner of Parcel B shall construct the extension of Heathermore Boulevard (or any portion required by the Department of Public Works and Transportation) from Grandhaven Avenue to the middle of PEPCO right-of way when:
 - a. Any grading or building permits are approved for developments of parcels abutting the proposed north side of Heathermore Boulevard, east of Grandhaven Avenue, or
 - b. Construction of Heathermore Boulevard beyond the PEPCO right-of-way or across the Conrail right-of-way is undertaken.

4. Prior to the issuance of any building permit, the applicant and the applicant's heirs, successors and/or assignees, shall pay to Prince George's County the following pro-rata share of costs for the construction of the Heathermore Boulevard Extension:

\$155.10 per dwelling unit X "Engineering News-Record Highway Construction Cost Index" (at time of payment)/"Engineering News-Record Highway Construction Cost Index" (2nd quarter 1993).

The total fee shall not exceed \$12,408.00 X "Engineering News-Record Highway Construction Cost Index" (at time of payment)/ "Engineering News-Record Highway Construction Cost Index" (2nd quarter 1993).

5. Prior to the issuance of any building permit for the subject property, the following road improvements, unless modified by DPW&T, shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed upon timetable for construction with the appropriate operating agency:
 - a. A 52-foot paving section, Grandhaven Avenue, within the 80-foot right-of-way.
 - b. Curb and gutter on both sides of Grandhaven Avenue.
 - c. Approximately four streetlights on each side of Grandhaven Avenue.

d. Street trees on the east side of Grandhaven Avenue.

Ordered this 26th day of September, 2011, by the following vote:

In Favor: Council Members Franklin, Harrison, Lehman, Olson, Patterson, Toles and Turner.

Opposed:

Abstained:

Absent: Council Member Campos

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: _____
Ingrid M. Turner, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council