

Case No. SP-03086

Applicant: Lanham, LLP

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 and oral argument from the parties, that the decision of the Planning Board in PGCPB No. 04-96, to approve a limited detailed site plan for rough grading, infrastructure, and sediment control for an integrated shopping center, on property described as approximately 49.4 acres of land in the R-T Zone, located on the south side of Martin Luther King Jr. Highway (MD 704), east of Lottsford Vista Road, Lanham, 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.

The Council specifically rejects the contention by opposition parties that Council Bill 73-2003 is unauthorized or illegal. No evidence in the record supports that argument.

To protect adjacent properties and the neighborhood, the Council has added condition 5 to those approved by the Planning Board.

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:
 - a. Address all of the previous conditions of approval regarding the Forest Stand Delineation.
 - b. Revise TCPII/46/01-01 to show a limit of disturbance in conformance with the approved PMA impacts, pursuant to Preliminary Plan 4-03125, and to show consistency with the approved Type I Tree Conservation Plan.

- c. Revise TCPII/46/01-01 as follows:
 - (1) Demonstrate substantial conformance with the site's woodland conservation requirements as found on TCPI/53/96-01.
 - (2) Provide the legend on all sheets of the plan.
 - (3) Show all site features in the legend with identifying symbols, and show them on the plan (streams and their associated 50-foot buffers, wetlands and associated 25-foot buffers, and the 100-year floodplain, and the source of verification of its delineation and location by the County's Department of Environmental Resources (DER)).
 - (4) Revise the worksheet to reflect that the site is split-zoned R-T and R-R.
 - (5) Provide all standard Type II Tree Conservation Plan notes.
 - (6) Show the proposed building footprints and their locations.
 - (7) Show a separate symbol for the proposed limits of disturbance (LOD) and the Tree Protection Devices (TPDs).
 - (8) Address the time frame for the use of the proposed TPDs and forest conservation signage.
 - (9) Add the edge management notes.
 - (10) Have the qualified professional who prepared the plan sign and date it, after these plan revisions have been made noted in the revision boxes on each plan sheet.
 - d. Provide evidence that the State Highway Administration (SHA) has approved the ultimate right-of-way necessary to the road improvement along the frontage of Martin Luther King Jr. Highway and the location of the required access point to the site.
- 2. This detailed site plan shall be subject to all applicable conditions in the Resolution approving Preliminary Plan of Subdivision 4-03125, and the plans shall be revised accordingly.
 - 3. Prior to the first detailed site plan after approval of the DSP for infrastructure, the applicant shall:

- a. Show clearly all parkland boundaries; the parkland to include at a minimum a floodplain along the Folly Branch Stream Valley and any additional land necessary to construct the master-planned trail on public parkland.
 - b. Submit the detailed construction drawings for the eight-foot-wide asphalt trail and all structures needed to assure dry passage to the Department of Parks and Recreation (DPR), for review and approval.
4. Prior to issuance of the grading permit, the applicant shall submit to DPR for review and comment the stormwater management plan, including plans for drainage outfalls and drainage improvements on dedicated parkland for review and approval.
5. Before the Planning Board approves a detailed site plan allowing issuance of building permits, the applicant shall:
 - a. Show that facilities to manage stormwater runoff on the eastern part of the property, in the vicinity of the Folly Branch Stream Valley, will prevent disturbance of the stream and adjacent properties;
 - b. Demonstrate that stormwater runoff from the subject property, at full build-out, will not adversely affect present or future residential development on surrounding properties;
 - c. To ensure that the project will not create future flooding problems for adjacent properties, have soils on the subject property tested, at the applicant's expense, by faculty in the Department of Natural Resource Sciences and Landscape Architecture, College of Agriculture and Natural Resources, University of Maryland, College Park;
 - d. Have approved by DER the final stormwater management plan, with all technical detail and supporting data and computations, to show the placement and operation of all facilities on the property;
 - e. Show, in a report from a qualified consultant, that the proposed retail project at completion will not create adverse noise effects for adjacent residential properties, effects which are substantially higher in volume or duration than effects from townhouse development at maximum densities on the subject property;
 - f. Demonstrate, as part of the detailed site plan review, how the property will be planned, built out, and lighted, to prevent the proposed retail project from creating added crime problems for adjacent residential properties; and
 - g. Have the subject property covered by 24-hour security, to prevent crime on or adjacent to the project.

Ordered this 26th day of July, 2004, by the following vote:

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

Opposed: Council Member Bland

Abstained:

Absent: Council Member Exum

Vote: 6-1

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: _____
Tony Knotts, Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council